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**Bad Cops:  
A Study of Career-Ending Misconduct  
Among  
New York City Police Officers**

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## Abstract

This is a study of New York City police officers whose careers ended in dismissal, termination, or forced resignations or retirements for reasons of misconduct. The research compares the personal and career histories of all 1,543 officers who were involuntarily separated from the New York City Police Department (NYPD) for cause during 1975-96 with a randomly selected sample of their Police Academy classmates who have served honorably.

The study uses confidential NYPD files as its major data sources. It employs bivariate techniques to test 37 hypotheses and sub-hypotheses suggested by the literature, two expert advisory committees, and several focus groups of NYPD personnel. In addition, the research employed appropriate multivariate techniques (Principal Component Analysis; Logistic Regression Analysis) which, with some exceptions, generally supported bivariate findings.

Key findings of the research include:

- *Traditional definitions of police misconduct, especially Apolice corruption,@ are imprecise.* In the past, police scholars have classified acts of police misconduct as Apolice corruption,@ Apolice brutality,@ and Adrug-related misconduct.@ We found, however, that these classifications are not mutually exclusive, and that determining whether profit-motivated criminality by police officers involved job-related police corruption frequently is impossible.
- *Pre-employment history matters.* Officers whose life histories include records of arrest, traffic violations, and failure in other jobs are more likely than other officers to be involuntarily separated from the NYPD.
- *Education and training matter.* Officers who hold associate or higher degrees are less likely than those who do not to be involuntarily separated. Those who do well in the Police Academy=s recruit training program are less likely than marginal recruits to be separated as unsatisfactory

probationers. Subsequently, they also are less likely to be involuntarily separated for cause *after* successful completion of their probationary periods.

- *Diversity matters.* As the NYPD has become more diverse, it has become better behaved. We found a very strong inverse correlation ( $r = -.71$ ;  $r^2 = .50$ ) between the percentage of white male NYPD officers and the department's annual rate of involuntary separations.
- *Race still matters, but apparently only for black officers:* As the representation of Hispanic and Asian officers in the NYPD has increased, their involuntary separation rates have decreased and become virtually indistinguishable from those of white officers. Black officers' representation in the NYPD remained relatively flat during the years studied. Black officers' involuntary separation rates have also decreased, but remain higher than those for other racial groups.

The study concludes with recommendations for policy formulation and further research.

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## **EXECUTIVE SUMMARY**

This is a study of the differences between New York City police officers whose careers ended in involuntary separations for cause and their colleagues who have served honorably. The study addresses many issues and reaches many conclusions. Key findings include:

- *Traditional definitions of police misconduct, especially Apolice corruption,@ are imprecise.* In the past, police scholars have classified acts of police misconduct as Apolice corruption,@ Apolice brutality,@ and Adrug-related misconduct.@ We found, however, that these classifications are not mutually exclusive, and that determining whether profit-motivated criminality by police officers involved job-related police corruption frequently is impossible.
- *Involuntary separations are rare.* Separations for cause from the New York City Police Department (through dismissals, terminations, and forced resignations and retirements) are infrequent events. Only two percent of the officers employed by the NYPD during the 22 years (1975-96) we studied were involuntarily separated from the department.
- *Pre-employment history matters.* Officers whose life histories include records of arrest, traffic violations, and failure in other jobs are more likely than other officers to be involuntarily separated from the NYPD.
- *Education and training matter.* Officers who hold associate or higher degrees are less likely than those who do not to be involuntarily separated. Those who do well in the Police Academy=s recruit training program are less likely than marginal recruits to be separated as unsatisfactory probationers. Subsequently, they also are less likely to be involuntarily separated for cause *after* successful completion of their probationary periods.
- *Diversity matters.* As the NYPD has become more diverse, it has become better behaved. We found a very strong inverse correlation ( $r=-.71$ ;  $r^2 .50$ ) between the percentage of white male NYPD officers and the department=s annual rate of involuntary separations.
- *Race still matters, but apparently only for black officers:* As the representation of Hispanic and Asian officers in the NYPD has increased, their involuntary separation rates have decreased and become virtually indistinguishable from those of white officers. Black officers= representation in the NYPD remained relatively flat during the years studied. Black officers= involuntary separation rates have also decreased, but remain higher than those for other racial groups.

The study reaches these conclusions after examining the life and career histories of all 1,543 officers who were dismissed or forced to leave the NYPD for reasons of misconduct during 1975-1996 (excluding, e.g., those who failed their recruit training program) and compares them to a stratified sample of their Police Academy classmates who were selected randomly on the basis of their NYPD employee, or tax registry, numbers. During this period, the NYPD averaged well over 30,000 uniformed officers, and its personnel strength ranged between 21,500 in the late 1970s to 38,000 at the end of the study. In all, the NYPD employed about 78,000 different individuals as police officers during the years we studied. On June 30, 1975, the department employed more than 32,000 officers. Between then and the end of 1996, it hired (or absorbed from the former Housing and Transit Authority police agencies more than 45,000 additional officers. Thus, our population of 1,543 officers separated for cause represents about two percent of all officers employed by the NYPD during 1975-96.

The data for our study and control officers consist of information compiled in NYPD personnel folders and disciplinary records. These include each officer's original application, the *PA-15*, a very detailed life history that is prepared by police officer candidates themselves, and that is then subjected to extensive pre-employment investigation by the NYPD's Applicant Processing Division. As officers' careers proceed, notable events are recorded in their personnel folder, including their recruit school performance; disciplinary histories; recognition of outstanding performance and commendatory letters from both NYPD officials and the public; vehicle accidents; injuries and sickness; changes in their social status, address, and educational achievement; transfers; promotions; temporary assignments; and supervisors' performance evaluations. We had access to the Central Personnel Index, an automated data base that

supplements the personnel file, and that summarizes noteworthy career events (commendations; complaints; line of duty injuries; sick leave absences; designation as chronically; vehicle accidents; internal investigations and their dispositions. We checked the Personnel Orders Section=s records, which contain the official history of each officer=s assignments and addresses; and also had access to the Police Academy=s records of officers= performance in recruit training.

The study was intended to describe the circumstances that led to involuntary separations from the NYPD and to identify differences between the involuntary separated officers (the Astudy officers@) and an equal, randomly selected number of officers who had entered the NYPD in the same Police Academy classes as the study officers (the Acontrol officers@). We chose this method as the best available way to determine whether characteristics and experiences of involuntarily separated officers were different from those of their colleagues. To do this, we generated and tested a lengthy series of hypotheses and conducted multivariate analyses designed to identify factors that distinguished between the study and control officers.

This process led to a discovery about traditional definitions of police misconduct. We found that it was impossible to define a typology of police misconduct that included Apolice corruption@ as a classification that could clearly be distinguished from other categories of wrongdoing. To be sure, many of the officers we studied were corrupt, but the conduct for which they were separated from the NYPD included a wide variety of money-making misconduct that had connections of varying strength to their employment as police officers. When officers accept bribes to refrain from enforcing the law, they unambiguously engage in what most of us would regard as police corruption. But it is less clear whether officers who

perform robberies or burglaries, shoplift, sell drugs, or engage in welfare or insurance fraud during their off-duty time are engaging in a variety of *police* corruption. Thus, we created a category of wrongdoing called *profit-motivated misconduct*, and recommend that future scholars and administrators rethink the notion of *police* corruption. Often, in these changing times, police corruption is not as easy to define as we formerly may have been believed.

Those who have read early drafts of this report have generally expressed surprise at the small number of officers separated for charges that included brutality and other abusive conduct. Over 22 years, 119 officers were separated on charges that included some form of on-duty abuse. Only 37 of these officers B 1.7 per year B were separated in matters in which the primary, or only charge, against them was on-duty abuse. We believe that there are two explanations for this. First, despite some spectacular and widely publicized acts of brutality, the NYPD has long been one of the most restrained police agencies in the country. NYPD officers are less likely than officers in virtually all big police departments to fire their weapons at citizens, and the data we reviewed showed that they were less likely than most to be subjects of civil rights complaints to the U.S. Justice Department.

This, we believe, is because the NYPD historically has held its officers to an extremely high degree of accountability. Its reviews of police shootings, use of force, and citizens= complaints are extensive and objective. In the course of our work, we also found that the NYPD engaged in a wide variety of pro-active strategies designed to deter and detect wrongdoing. Like many other agencies, the NYPD runs an early warning system, and regularly reviews and monitors officers who seem to experience their work differently than do their colleagues. Officers whose histories are marked by repeated complaints, vehicle accidents, line of duty

injuries, sick leave, and arrests for such *contempt of cop* offenses as resisting arrest and obstructing governmental administration are routinely assigned to close supervision, retraining in a special and individually tailored program, and monitoring by the department's administration.

But the NYPD does other things that are not so common. The NYPD's Internal Affairs Bureau encourages officers to call anonymously to report apparent wrongdoing by their colleagues. IAB uses this and other information to conduct hundreds of *Integrity Tests* on personnel who are suspected of wrongdoing. Some of these tests replicate the circumstances in which it has been alleged that officers have mistreated people by, for example, presenting a suspect officer with a staged, on-street, opportunity to mistreat a person of color or member of some protected class; by giving an officer an opportunity to improperly pocket cash. Integrity tests also are conducted to determine whether ranking officers properly accept and process complaints about the officers who work for them. On occasion, the tests are very elaborate, involving lengthy operations designed to arrest criminals (gamblers; drug dealers) who are believed to be in corrupt relationships with officers for the purpose of turning them in order to gain evidence to prosecute crooked officers. These proactive investigative steps are unusual perhaps even unique to the NYPD and are worthy of study by both scholars and police administrators. They should also be taken into account in attempts to generalize our findings to other settings.

The second reason that the number of separations for brutality is lower than what one might expect is the difficulty of proving these cases. Unless evidence of excessive force is unambiguous as in the taped beating of Rodney King and the injuries sustained by Abner Louima when police sodomized him with a stick it is very difficult to show that the force used

by a police officer was more than was reasonably necessary to subdue a resisting person. For this reason, the proactive work of the NYPD B its early warning system and its system of tests in which suspect officers are presented with opportunities to be abusive B are such an important part of its work.

We also found that the NYPD=s program of drug testing its officers is more extensive than most. Every year, on previously unannounced days, a random sample of 20 percent of the members of every NYPD unit appears at work and is directed to proceed immediately to the Medical Unit in order to undergo a *Dole Test*. Test failure or refusal to take such a test results in immediate suspension and, almost invariably leads to dismissal. This program, combined with an extensive *for cause* testing program, in which personnel may be ordered to undergo testing on the suspicion that they are abusing controlled substances, may result in a higher percentage of drug-related terminations than is true of most agencies.

We tested most of our hypotheses by comparing the percentage of study officers who shared a trait or experience with the comparable percentage among the control officers. Our results on each were as follows:

**HYPOTHESIS**

**RESULTS**

**H1:** *More involuntary separations are attributable to profit-motivated corruption than to brutality and other non-profit abuses of citizens.*

CONFIRMED

**H2:** *MODIFIED TO: Variations in community structure (i.e., per capita income, percentage minority population) and public crime (homicide, FBI index crimes) will predict variations in police misconduct within police precincts over time.*

CONFIRMED

<b>H3:</b> <i>The rate of involuntarily separations for brutality and other non-profit abuse of citizens was greater during the administration of David Dinkins than during either the Koch or Giuliani administrations.</i>	REJECTED: KOCH ADMINISTRATION HAD HIGHEST RATES
<b>H4:</b> <i>Rates of involuntary separation for reasons other than brutality and non-profit abuse were greater during the administration of Rudolph Giuliani than during either the Koch or Dinkins administrations.</i>	REJECTED: KOCH ADMINISTRATION HAD HIGHEST RATES
<b>H5:</b> <i>Rates of involuntary separation for corruption, brutality, and other forms of misconduct are positively associated with the size of Police Academy recruit training cohorts.</i>	REJECTED <sup>1</sup>
<b>H5a:</b> <i>The rate at which new officers are involuntarily separated as unsatisfactory probationers is inversely correlated with the size of Police Academy recruit training cohorts.</i>	REJECTED
<b>H6:</b> <i>Rates of involuntary separation for corruption, brutality, and other forms of misconduct are inversely associated with the rigor and intensity of recruit training, as measured by:</i>	UNTESTABLE: INSUFFICIENT DATA
<b>H6a:</b> <i>numbers of hours of training;</i>	UNTESTABLE
<b>H6b:</b> <i>rates of involuntary separation for academic and physical failure, and for disciplinary reasons.</i>	UNTESTABLE
<b>H7:</b> <i>Rates of involuntary separation for corruption, brutality, and other police misconduct are inversely associated over time with the percentage of non-white officers in the department.</i>	CONFIRMED
<b>H8:</b> <i>Rates of involuntary separation for corruption, brutality, and other police misconduct are positively</i>	UNTESTABLE: INSUFFICIENT

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<sup>1</sup> Our test of this hypothesis was less rigorous than we would have liked. Because measurement issues made it impossible to include in the analysis all the study officers, we limited analysis to officers who were both hired and fired during 1979-1995.

*associated over time with the percentage of officers who reside outside New York City.*

DATA

**H9:** *Female officers' involuntary separation rate is positively associated over time with the percentage of females in the department.*

REJECTED

**H10:** *The rate of involuntary separations of probationers is greater among female officers than among males.*

CONFIRMED

**H11:** *The rate of involuntary separations for corruption is greater among male officers than among female officers.*

CONFIRMED AS TO  
BRIBERY; REJECTED  
AS TO ALL PROFIT-  
MOTIVATED  
MISCONDUCT

**H12:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among male officers than among female officers.*

CONFIRMED

**H13:** *The rate of involuntary separations for drug test failures and refusals is greater among female officers than among male officers.*

CONFIRMED

**H14:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among male officers than among female officers.*

REJECTED: FEMALE  
RATE HIGHER

**H15:** *The rate of involuntary separations for administrative rule breaking is greater among female officers than among male officers.*

CONFIRMED

**H16:** *The rate of involuntary separations of probationers is greater among non-white officers than among white officers.*

CONFIRMED AS TO  
BLACKS; REJECTED  
AS TO HISPANICS  
AND OTHERS<sup>2</sup>

**H17:** *The rate of involuntary separations for corruption is greater among non-white officers than among white officers.*

CONFIRMED AS TO  
BLACKS; REJECTED  
AS TO HISPANICS  
AND OTHERS

**H18:** *The discrepancy between white and non-white officers' rates of involuntary separation for corruption is accounted for by differential patterns of assignment and rank.*

REJECTED AS TO  
RANK; UNTESTABLE  
AS TO ASSIGNMENT

**H19:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among white officers than among non-white officers.*

REJECTED; WHITE  
RATES LOWER THAN  
OR EQUAL TO BLACK  
AND HISPANIC RATES

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<sup>2</sup> With the exception of separations for brutality (where we confirmed **H19**, that white officers= rate would be highest), the pattern in all our analyses involving officers= race was consistent. Over time, the separation rates of Hispanic officers have decreased so that they have become near indistinguishable from the rates for Whites. Because of their very low representation in the NYPD, the rates for AOthers@ (mostly Asian officers) were statistically meaningless in the early years covered by our study. As the representation of Asians in the NYPD has grown, their separation rates have recently been much like those for Whites and Hispanics. The rates for Black officers, which started out much higher than those of other groups, also have decreased, but remain considerably higher than those for the other three major racial groups.

**H20:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among non-white officers than among white officers.*

CONFIRMED, WITH BLACK RATES HIGHER THAN ALL OTHERS

**H21:** *The rate of involuntary separations for drug test failures and refusals is greater among non-white officers than among white officers.*

CONFIRMED AS TO BLACKS; REJECTED AS TO HISPANICS AND OTHERS

**H22:** *The rate of involuntary separations for administrative rule breaking is greater among non-white officers than among white officers.*

CONFIRMED , WITH BLACK RATES FAR HIGHER THAN ALL OTHERS

**H24:** *The rate of involuntary separations of probationers is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

CONFIRMED

**H25:** *The rate of involuntary separations for corruption is greater among officers who were less than 22 years old when appointed is greater than among officers who were 22 or more years old when appointed.*

REJECTED

**H26:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

REJECTED

**H27:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

REJECTED

**H28:** *The rate of involuntary separations for drug test failures and refusals is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

REJECTED

**H29:** *The rate of involuntary separations for administrative rule breaking is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.* REJECTED<sup>3</sup>

**H30:** *Rates of involuntary separation for all types of police misconduct are higher for the following categories of officers than for other officers:*

**H30a:** *officers who were dismissed by previous employers.* CONFIRMED

**H30b:** *officers whose prior employers gave police investigators derogatory information about them.* CONFIRMED

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<sup>3</sup> Readers may wonder how we confirmed **H24**, that officers hired at ages 20-21 were more likely than others to be separated, when the data did not confirm any of the offense-specific hypotheses (**H25-H29**) to the same effect. The answer is that we found a consistent pattern in which younger recruits were somewhat more likely than others to end their careers in separations for profit-motivated offenses; on-duty abuse; non-line of duty offenses; and administrative rule violations. Although these were not statistically significant, they did make a difference in the aggregate.

<b>H31:</b> <i>Officers with military records that include no discipline are less likely than officers without military experience or with military disciplinary histories to be involuntarily separated.</i>	REJECTED; MILITARY VETERANS MORE LIKELY THAN NON-VETERANS TO BE DISCIPLINED <sup>4</sup>
<b>H32:</b> <i>Rates of involuntary separation for all types of police misconduct are inversely associated with officers' years of education at entry into the NYPD.</i>	CONFIRMED
<b>H33:</b> <i>Officers= years of education at entry into the NYPD is positively associated with movement into supervisory and management ranks.</i>	CONFIRMED
<b>H34:</b> <i>Officers= educational attainment after entry into the NYPD is positively associated with movement into supervisory and management ranks.</i>	UNTESTABLE: INSUFFICIENT DATA

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<sup>4</sup>. There was considerable *within* variation in separation rates among military veterans. Former Marines were more likely than veterans of other services to be separated. So were veterans who served more than a four-year military enlistment; those who were disciplined in the military; those who joined the military immediately after the 1974 abolition of the draft; and those who had not advanced above the ranks of corporal or seaman. Navy and Air Force veterans and former military officers had very low separation rates. In any event, much of the association between military service and separation washed out during our multivariate analysis, suggesting that it was confounded by other variables (e.g., age at appointment; race; level of education, employment history).

**H35:** *Rates of involuntary separation for all types of police misconduct are inversely associated with officers' Police Academy academic averages.* CONFIRMED<sup>5</sup>

**H36:** *Rates of involuntary separation for all types of misconduct are positively associated with the following variables (all standardized by rates per year of service):*

**H36a:** *prior citizens' complaints;* UNTESTABLE:  
INSUFFICIENT  
DATA

**H36b:** *prior supervisory disciplinary actions;* UNTESTABLE:  
INSUFFICIENT  
DATA<sup>6</sup>

**H36c:** *prior Below standards@ evaluations on performance evaluations;* UNTESTABLE:  
INSUFFICIENT  
DATA

**H36d:** *prior line of duty civil suits;* UNTESTABLE:  
INSUFFICIENT  
DATA

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<sup>5</sup> For purposes of this analysis, we excluded officers who were separated while on probation. We did this on grounds that, while it was not misconduct, their poor Academy performance might have played a role in their separations. Thus, this analysis included only officers who were already tenured and who were separated as the result of decisions made by officials who would not take into account their recruit school performance. Study officers also performed more poorly than control officers on Police Academy physical examinations. During their recruit training, they also were more often sick; injured, late, disciplined, and held back from graduating with their classes than were study officers. They received fewer Aexcellent@ performance ratings; more Apoor@ performance ratings, and were deemed to have performed more poorly than study officers in Law, Police Science, Social Science, and Physical Training. Despite all this, they received higher Aoverall@evaluations (mean=2.80 on a 0-5 scale) than did study officers (mean=2.58). Clearly, there is a need to bring the Police Academy=s subjective ratings of recruits into line with objective measures of recruits= performance.

<sup>6</sup> Because the origin of complaints is not always clear (e.g., did it originate with a citizen or with a police official?), we were unable to test **H36a** and **H36b** as stated. We were able to test and confirm the hypothesis that study officers were more likely than control officers to have histories of prior complaints.

**H36e:** *prior line of duty injuries;*

UNTESTABLE:  
INSUFFICIENT  
DATA

**H36f:** *prior line of duty vehicle accidents;*

UNTESTABLE:  
INSUFFICIENT  
DATA

**H36g:** *prior designations as chronically sick.*

UNTESTABLE:  
INSUFFICIENT  
DATA

**H37:** *Rates of involuntary separation for brutality and other abuses are positively associated with rates of departmental commendations.*

UNTESTABLE:  
INSUFFICIENT  
DATA

We also employed Principal Component Analysis (*PCA*) to extract three dimensions of officers= histories:

- *Criminal History*, including violent and property crime arrests, juvenile delinquency findings, misdemeanor arrests and convictions, public order arrests, moving and parking violations, and driver=s license suspensions.
- *Work History*, including numbers of jobs, workman compensation claims, 30 day (or longer) periods of unemployment, jobs from which fired, work-related disciplinary actions, and derogatory comments by prior employers.
- *Social Condition*, including officers= social circumstances at the time of their appointment, including marital status (coded as a series of binary variables); number of children; and whether officer was actively enrolled in school at time of appointment.

The *PCA* identified subsets of these three dimensions comprised of closely related variables. These were then entered into a Logistic Regression Analysis designed to find the factors that most significantly distinguished between study and control officers. While controlling for all other covariates, the strongest risk factors for termination were whether an officer was black (the derived *odds ratio* showed that black officers were 3.27 times more likely

than whites to be involuntarily separated; had an average of one or more complaints per year of service (3.03 times as likely as officers with fewer complaints to be separated); and worked in inspector precincts at the time of the incident leading to separation (2.48 times more likely than officers assigned to staff units to be dismissed).

Other significant risk factors for police misconduct included Latino (B=.69), being assigned to DI precincts (B=.81), captain precincts (B=.71), police academy/field training units (B=.61), having criminal histories (B=.20), public order offense histories (B=.58), prior employment disciplinary problems (B=.32), and prior employee reliability problems (B=.15). In sum, minority-group officers had higher probabilities than white officers of incurring an organizational response to known misconduct; officers assigned to posts that placed them in regular contact with the public under relatively unsupervised conditions (i.e., precincts), or to posts at times in their careers when they did not enjoy civil service protection (i.e., police academy/training units) were at greater risk of being separated for misconduct; officers who were officially recognized disciplinary problems during both their pre-police and NYPD occupational tenures were at greater risk than others of being dismissed for police misconduct;<sup>8</sup> and officers who had an officially sanctioned history of deviance had higher odds than others of being dismissed for misconduct. These multivariate findings largely support our bivariate results (see Table IX-1).

The logistic regression model also found that length of service; holding an Associate or Bachelor=s degree at appointment, and increased age at appointment weighed against

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<sup>8</sup> To assure that we did not confound *prior* departmental complaint history and the events that may have led to officers= separation in this analysis, we treated officers who had received complaints during careers that lasted less than one year as missing cases.

involuntary separation. In addition, officers whose fathers had served as NYPD officers were significantly less likely (albeit, not substantially) than other officers to be dismissed for misconduct, and officers who achieved a supervisory rank were less likely than line officers to be dismissed for misconduct. These findings suggest that overall, academically well prepared officers, those who were ambitious, and those with parental links to the NYPD were less likely than other officers to either engage in, or be sanctioned for, occupational misconduct.

The logistic regression model also identified factors statistically not associated with occupational deviance. Among these was military service. Our bivariate findings showed that military service was significantly related to police misconduct. The multivariate findings did not support this earlier result, however, suggesting that the bivariate relationship may have been confounded by other factors that were not controlled. It is possible, for example, that while considering the effects of age at appointment, level of education, and employment history, military service may be an unimportant independent factor in the prediction of police misconduct. In addition, officer sex, prior police service, and background investigator recommendation were non-significant in the prediction of misconduct. It should be noted that although the mayor at time of officer=s separation was included in the model as a control for the effects of social and political climates in New York City, it was a non-significant predictor of police misconduct.

Contrary to what we had expected and hypothesized, our bivariate analyses showed that, except for cases involving on-duty abuse, female officers generally had higher separation rates than their male colleagues. Like military service, however, *gender* washed out of our multivariate analyses, suggesting that the bivariate relationships we found had been affected by

other factors. Here, we also suspect that low absolute frequencies may have distorted the results of our bivariate analyses to some degree.

In all, therefore, our work confirms the conventional wisdom regarding the police: young officers who entered the police service with minimal educations, and records of prior delinquency, criminality, and poor prior employment; who did not advance in the NYPD; who worked in busy patrol assignments; and who accumulated histories of complaints were more likely than others to have ended their careers in involuntary separation. Conversely, well-educated officers with clean histories, perhaps including a family history in the NYPD, and who worked their way to advanced rank were least likely to be involuntarily separated from the agency.

Overriding all this is the race issue. We found that, despite the many years in which African-American officers they have been a major presence in the department, and despite their many contributions to it and to New York City, where discipline is concerned, they remain an outgroup in the NYPD. They are far more likely than other officers to be involuntarily separated and, we found in earlier work (Fyfe, et al., 1998), to be subjects of less severe discipline, as well. It is hard to determine the extent to which this may be the result of discrimination, but our analyses suggest that the disparity among black officers has resulted largely from separated officers= involvement in situations (e.g., criminal or drug related behavior) in which administrators= paths of action are clearly defined and leave little or no room for arbitrariness.

This finding is consistent with other work, both in an out of policing, that has found strong associations between race and deviance, and official responses to the latter. We

recommend further study of this issue, and suggest research that examines the status of African-American police officers in the NYPD and elsewhere.

We also reached far more heartening findings regarding gender, race, and officers= misconduct:

- the greater the percentage of women in the department, the less likely women are to be fired;
- the greater the percentage of men in the department, the more likely men are to be fired;
- the greater the percentage of whites in the department, the more likely whites are to be fired;
- the greater the percentage of Hispanics, Asians, and other non-white groups in the department, the less likely they are to be fired.

Taken together, these findings produce what is for us a very important conclusion: *as the NYPD has become more diverse by gender and race, it has become significantly better behaved.*<sup>h</sup>

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<sup>h</sup> Probably because the percentage of black officers in the NYPD has remained relatively flat over the years studied, the relationship between it and black separation rate is non-significant. The percentage of black officers in the NYPD ranged between 10.7% in 1986 (n=2,799) to 11.6% in 1994 (4,293), then increased to 13.9% by 1996 (5,155). This comparative jump over the last two years resulted largely from the merger of the more diverse New York City Transit and Housing police departments into the NYPD. During 1986-96, NYPD=s percentage Hispanic increased from 9.5% (2,505) to 16.7% (6,205); percentage Asian/Other went from 0.6% (154) To 1.3% (478). Percentage female increased from 9.5% (2,504) to 15% (5,684). Percentage white decreased from 79.2% (20,816) to 68.1% (25,240).

There may be many reasons for this finding. It has long been claimed that domination of policing by a single racial group has produced a solidarity that includes such unhealthy aspects as a willingness among officers to tolerate misconduct by their colleagues. To the extent that this may have existed in the NYPD, it may be breaking down as the NYPD has become more diverse. Alternatively, some believe that, as the numbers and, presumably, the influence of minority officers on the organization increase, their vulnerability to disciplinary arbitrariness has decreased. The decreases in career ending misconduct may have to do with the Internal Affairs Bureau=s greatly increased vigor, or with the increasing rigor of drug testing over the years studied. The department also grew significantly so that, independent of their gender and race, the newcomers may have wrought great changes in its culture.

These are subjects for future research, but our data seem to provide the best evidence to date that diversity produces a healthier brand of policing. Thus, this finding gives researchers what they want B an avenue for further study. More important, we think, it also gives administrators reason to believe that their efforts to enhance diversity in the ranks have a highly desirable product: an organization in which the percentage of officers of all genders and races who disgrace themselves and their agency is significantly decreased. This finding may have great significance not only for police administrators, but for all those who charged with running organizations, in and out of the public sector.

### **Acknowledgments**

The debts owed for this study are enormous. We are extremely grateful to former National Institute of Justice Director Jeremy Travis, who funded our work and who, more importantly, encouraged us and understood the difficulties we encountered while doing it. Fyfe, especially, wants Travis to know how grateful we are, and how delighted he is that Travis has just been named to be his boss when Fyfe returns to John Jay College, where Travis has become president. Jeremy's encouragement and patience have been continued by NIJ's current director, Sarah Hart, and we are very grateful to her, as well. Dr. Sally Hillsman, the former Director of NIJ's Office of Research and Evaluation, championed this research from the time of its inception and through a major mid-course shift in direction. Bryan Vila, the Chief of NIJ's Crime Control and Prevention Research Division, deserves thanks for his encouragement. Dr. Steven Edwards, our original Project Monitor, was a model of support and encouragement. Steve was always there when we needed him, making suggestions, but never pressing us. Maggie Heisler, who succeeded Steve in these duties, followed his working style, for which we are greatly indebted to her, as well. Paul McCauley of Indiana University of Pennsylvania planted the seed that grew into this study. Robert Tillman of St. Johns University supervised data collection, which was an enormous task done very well. Peter Jones of Temple cleaned the data and made them suitable for analysis. We could not have done the work without him.

We also are grateful to Michael Farrell, NYPD's Deputy Commissioner for Policy and Planning when we started this project and its Deputy Commissioner for

Strategic Initiatives when we finished it, and to Chief of Internal Affairs Charles Campisi, Chief of Housing Joanne Jaffe, former Deputy Commissioner for Trials Rae Koshetz, and Deputy Chief Diana Pizzuti who reviewed drafts of our work, assuring that it was accurate. Mike Farrell also was our point of entree to the NYPD. Mike and his support for the work were keys to the virtually unlimited access we subsequently were granted. His staff, especially Deputy Inspector Joseph Lovelock, Sergeant Vincent Henry, and Carol Frazier, helped us to get the work off the ground, and we owe them thanks. Assistant Commissioner Philip McGuire, an old friend who has been helping Fyfe with research in the NYPD since the days of his doctoral dissertation, was a great resource to us. There is a vast amount of information stashed here and there in the hundreds of NYPD units. Invariably, Phil knows precisely where it is, what it means, and how to get it. For more than a quarter-century, Phil Has been a tremendous asset to the department, to the City, and to scholars. He is always eager to assist, to make suggestions that facilitate research and assure its quality, and has played a central role in scholarly and administrative analyses of the NYPD and its problems.

Mike Farrell enthusiastically endorsed our proposal, and passed it on to then-Police Commissioner William Bratton, who agreed immediately that it was long overdue, and who made sure that the New York City Police Department opened its doors to us. His successor, Howard Safir, made the study a priority, and assured that we had unlimited access to all the records, people, and resources we needed to do our work. Raymond Kelly, the incumbent police commissioner, has continued this pattern.

On a day-to-day level, we worked most closely with two people and their NYPD units. Howard Safir called First Deputy Police Commissioner George Grasso a *yes* lawyer, an attorney who finds ways to get things done when others might simply say *no*. Commissioner Grasso and his staff certainly did that for us, and without them, this project would not have been what we hoped. We are particularly indebted to him, to Inspector Patrick Conry, to former Sergeant (now Firefighter) Michael Ansbro, and to retired Detective John Totaro.

Most of our work was quartered in the Employee Management Division of the Personnel Bureau. EMD's Director, Arnold Wechsler, was a terrific asset. He helped us organize the immense data collection and coding processes involved in our study, helped us to identify and recruit project staff, resolved differences among the people who worked with and for us, and navigated us through what would otherwise have been nightmarish logistics. He, retired Deputy Inspector Francis Smith, and retired Administrative Manager Elaine Glass acted as liaison between us and former Chief of Personnel Michael Markman who, before dying too young, also helped us greatly. We are grateful to them all.

We consulted with NYPD's former Deputy Commissioner for Training James O'Keefe and with his staff, especially Lt. Paul Kennedy of the Academy's Research Unit. Both were very helpful in pointing us to data related to our study officers' performance in training which, as our research subsequently showed, certainly was worthy of close analysis.

The people who got this work done, who located, pulled, and pored through the thousands of files we studied are the project's New York City Police Department staff, and are identified at the front of this report. We thank them one and all for their hard work and good humor under pressure. We are especially grateful for their many suggestions, which helped to both facilitate data collection and to increase the quality of the information we compiled.

During the course of this project, we also worked with three focus groups, who must necessarily remain anonymous. One was a group of patrol officers, selected from across the city. A second was a group of police patrol sergeants, and the third were patrol precinct commanders at the captains and deputy inspector ranks. We tapped their expertise and perceptions to determine what they saw as the characteristics, pre-employment and in-service experiences, and general conditions associated with police disciplinary problems. Their insights were invaluable, and helped us to focus our research and to develop and refine the data collection instruments and techniques we employed.

We also assembled two advisory committees to work with us. The first were people who possess great substantive knowledge of police and New York City and, without compensation, they devoted considerable amounts of their very valuable time and resources to help us focus and refine the study. They include former NYPD Department Advocate Walter Connery, who also headed the Immigration and Naturalization Service's anti-corruption efforts; Henry DeGeneste of Prudential-Bache, formerly Chief of the Port of New York and New Jersey Authority Police and a member

of the Commission on Accreditation for Law Enforcement Agencies; former NYPD Chief of Personnel Michael Julian of the Madison Square Garden Corporation; and Professor Jerome Skolnick of New York University Law School, an internationally renowned scholar of the police. Richard Koehler of John Jay College of Criminal Justice, another former NYPD Chief of Personnel and ex-New York City Corrections Commissioner, also served with us briefly, but had to leave the advisory committee because of a conflict of interest. All five are good friends, whose combined expertise on the matters we studied is without equal. We owe them all big time.

Our methodological advisory committee included Professor Michael Maxfield of Rutgers University=s School of Criminal Justice. Mike is the co-author of *Maxfield/Babbie* (1997), the standard criminal justice research text, and needs no introduction to anyone who has studied human behavior over the last generation. Professor Joan McCord was Fyfe=s colleague at Temple, and has built an international reputation conducting longitudinal studies of deviant behavior. Both Mike and Joan carefully reviewed the first draft of this report and made comments and suggestions that have improved it immensely. Joan=s death earlier this year after a very brief illness, was particularly painful. We with her loss, we lost a great friend and colleague, and the world of social science lost a major contributor.

We owe special debts to two people. Dr. Carl Silver, professor emeritus at Drexel University and Joan McCord=s husband, was with us from the beginning of this project. His expertise in research design is reflected in the proposal for this project and, we are both well aware, was a major factor in convincing NIJ=s reviewers, staff, and director

that this was a feasible and worthwhile endeavor. We hoped to work with Carl until this study was completed and beyond, although we all knew that Carl was battling an inevitably terminal illness long before this project got off the ground. Carl's valor in his long fight against death was an inspiration to us all and to Joan, as was his unremitting intellectual vigor and enthusiasm for this, the last major research endeavor of his life. We hope that our product is worthy of Carl.

Much of the data we studied were stored in Brooklyn in the Old Records facilities of the Central Records Division. CRD's Director Linda Scotti was of great assistance in arranging for access to that facility. We are indebted to Linda, and were extremely saddened by her premature death. We have all suffered a great loss, and we extend our condolences to Linda's family.

This study needs one last preface. Although the subjects of our research include policing's worst, we want to make plain that we do not view the bad cops we studied as in any way representative of the NYPD or of American policing in general. Far more representative, we believe, are the actions of New York cops on September 11, 2001. On that terrible day and on every day since, George Grasso observed, New York cops showed everybody that they were the kind of people those of us who have worked with them always knew them to be.

Thus, we dedicate this study of bad cops and their good cop colleagues to Joan McCord, Carl Silver, Linda Scotti, Mike Markman, and to the thousands upon thousands of good cops who make the NYPD the world's best police agency.

## **I. INTRODUCTION**

This is a study of police officers whose careers have ended in disgrace. Such *bad cops* are a concern, most obviously because the most visible of them so severely hurt the people they are paid to protect. Regardless of whatever commendable actions they may have performed during their police careers, the Los Angeles officers who beat Rodney King and the New York officers who beat and sodomized Abner Louima caused terrible damage to both of these individuals. They changed the lives of their victims forever, and will themselves forever be regarded as both symbols and causes of the gap of rage and distrust that has too often characterized relationships between our police and our communities of color.

### **FINANCIAL COSTS OF FAILED POLICE CAREERS**

In addition to the damage they sometimes inflict on others and on the relationship between the police and the community, there are other reasons to study police officers whose careers end in disgrace. New police officers represent a significant commitment on the part of the governmental entities that employ them. Typically, new officers enter their departments only after long and elaborate screening processes designed to select the best possible candidates in the fairest possible ways. Over the last generation, this process has been the subject of litigation and legislation designed to enhance its validity and to remove from it all traces of discrimination and arbitrariness. Thus, bad cops are worth studying because they may tell us something about whether these ideals have been achieved and whether the processes used to select officers do, in fact, predict satisfactory police performance.

Further, the process of finding, selecting, training, and certifying new officers is very costly. In most places, it involves the administration of a written examination, as well as psychological, medical, physical performance and agility tests, and a background and character investigation. Once this first set of steps is completed, new officers are placed on the agency payroll, but they still are not *working cops*, who make a direct and immediate contribution to the public welfare. Instead, they are likely to spend six months or more in formal classroom training, followed by several additional months in a field training experience in which they work under the tutelage of senior officers who grade their performance in actual street situation. Thus, from the moment individuals apply to become police officers until the completion of recruit training, they cost their employers the expense of the screening process; the cost of either running and staffing an agency training facility or contributing to the cost of sharing in a regional or state police academy; and, usually, at least a year=s pay and benefits. During this period, new officers= employers get little return on their investment, save perhaps the rookies= occasional turn directing traffic or working at parades and other special events.

Once new officers= formal entry level training is completed, they may, as in New York City, the jurisdiction we studied, continue on probationary status for as much as an additional year.<sup>1</sup> During this period, they are expected to learn policing by doing it, and to demonstrate that they are worthy of jumping from probation to tenure. Those who do

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<sup>1</sup> The NYPD=s probationary period for new officers is two years. New sergeants, lieutenants, and captains hold their ranks on a probationary basis for one year.

not make this move and are instead terminated as unsatisfactory probationers represent a lost investment to the taxpayers.

### PERSONAL COSTS OF FAILED POLICE CAREERS

Such officers= failures also cost themselves dearly. Typically, they have left some other line of work to enter policing, often to much fanfare and attention from friends and family. Their absence from their old jobs may mean that they have been replaced by their former employers, and cannot simply resume life as it had been before. In seeking new work, they are left with the difficult problem of explaining their prematurely terminated sojourns into police work: for most private employers, a fired cop may not be the most attractive job candidate. Personally, officers who wash out at this stage of their police careers may be humiliated before those who have so recently wished them well on their new endeavor, and may suffer losses of reputation and personal confidence, as well as a stigma that lasts a lifetime. Fired cops have much in common with disbarred lawyers, defrocked priests, and others who have violated special trusts.

### POLICE TENURE: A ONE-SIDED MARRIAGE

Officers who successfully complete probationary status become, in effect, half of one-sided marriages in which all the commitment rests with their partners, their employers. The step from probation to civil service tenure carries with it many guarantees, the most significant of which is that incumbents cannot be removed, or divorced, by their employers except *for cause*. In most places, this means that dismissal can follow only upon formal due process in which it is demonstrated that one has committed egregious acts or omissions that violate criminal law or critical police rules

and regulations. In some of these places, police administrators= authority to dismiss for even the most serious misconduct is subject to review by arbitrators who frequently overturn or reduce severe disciplinary penalties such as dismissal (Fyfe, 1998). In all places, simple mediocrity rarely is the cause for dismissal of police officers or any others who have earned civil service tenure.<sup>2</sup> Thus, serious misconduct aside, a police agency grant of tenure is a guarantee of career-long employment and a generous lifetime pension thereafter.

The other side of this marriage faces no such commitment. At any time, police officers are free to walk out, taking with them the benefits of all the testing and training given them by their employers. Indeed, many New York City officers do precisely this, leaving the police department for employment in either the city=s fire service or for more lucrative employment in nearby suburban police agencies.

Thus, the process of screening, training, and socialization by which citizens proceed from police applicants to consideration for tenure as officers is important

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<sup>2</sup> In making this observation, we recognize that we may be accused of criticizing a term of employment in another discipline when we ourselves enjoy much the same benefit: life in a tenure system. But we would also be the first to agree that, while both police and university tenure systems serve the valuable function of insulating incumbents from arbitrary dismissal because of unpopular actions, both systems may also serve to insulate marginal performers from accountability. Further, the analogy between the two systems is inexact. Universities commit to marry professors only after they have come to know them far better than is true of police departments and officers. University processes typically require that candidates for tenure demonstrate compatibility and satisfactory performance for seven years before the award of tenure. Police departments typically make their commitments only after a year or two. We believe that, in policing and the academy as in the rest of life, the probability of marital success is positively associated with length of courtship.

because, when it ends in rejection by one partner or the other, it results in great costs that cannot be recovered. When this process results in the award of tenure, it may begin an expensive lifelong relationship that, while never overtly hostile, is nonetheless unrewarding for both partners.

As suggested above, however, the worst consequences of bad marriages between officers and police departments are those flowing from the serious misconduct that may precede dismissals for cause or other, similar, involuntary separations. When the misconduct precipitating these involuntary separations includes brutality or other abuses of citizens, it hurts not only victims such as King and Louima, but also the notion of trust in the police, and the credibility and reputation of a police agency and the political entity of which it is a part. We have seen this repeatedly in recent decades. Their immediate victims aside, the consequences of the King and Louima atrocities have been immense and continuous. In both cases, the public was outraged. Faith and trust between the police and the public, especially its most vulnerable inner-city communities of color, was damaged or destroyed. This, in turn, has hindered police ability to work with citizens to prevent crime and to gather the information necessary to solve crimes. In Los Angeles, there even followed a riot that took 40 lives and caused millions in property losses. Both incidents have tarnished the image of the United States itself: how, newspapers, critics, and politicians abroad speculate, can the United States be all that it claims when, instead of protecting its people, its police beat and sodomize them, and then lie about what they have done?

Serious, career-ending, police misconduct also has consequences for police officers and their families. Deviant or otherwise, the fact that an individual is a police officer is a central part B perhaps *the* central part B of his or her self-identification. Even in non-criminal cases that do not present the risk of imprisonment, the loss of what New York officers have long called *the job* is a major blow that, in our long exposure to police work, frequently precedes future unemployment B who hires bad cops? We know of cases in which officers= deterioration has even included suicide. Fired cops bring their own troubles upon themselves and, it can be argued, get no more than they deserve. Still, what they do get is severe, and should be counted as a cost to be avoided.

The fired cop=s family also suffers. Dismissal brings with it an immediate loss of income and of the secure future promised by a civil service salary and subsequent lifetime pension. When the conduct leading to dismissal is sufficiently egregious to generate press coverage, humiliation and shame follow. Even when this does not occur, neighbors and friends invariably learn that an officer has been dismissed, and their relationships with cops= families change, almost invariably for the worse.

These bad marriages B involving police officers who are fired or otherwise forced to leave police employment B are the focus of this study. This work examines the pre-employment and career histories of the 1,543 New York City police officers who, during 1975-1996, were fired or forced to resign or retire because of their involvement in serious misconduct. Our study compares these officers to a random sample of their colleagues, stratified by the date on which these officers became probationary officers for the purpose of identifying factors that may distinguish disgraced officers from the great

number of their colleagues who did not deviate from what is expected or, as one of our advisors suggested, who at least were not identified as deviants. We do this by testing a series of hypotheses drawn from both the literature of the police and the collective experiences of project staff and those with whom we consulted. We also present multivariate analyses drawn from our hypothesis testing and explorations of the data, and close with a discussion of our work=s implications for police practice and scholarship.

## **II. DEFINING AND IDENTIFYING POLICE MISCONDUCT**

As originally proposed, this research was to be an examination of duty-related misconduct that led to officers= involuntary separations from the New York City Police Department (ANYPD@).<sup>3</sup> This conception implied a distinction between the venal activities in which police participated at work, such as beating suspects and taking bribes, and that which was not directly related to their status as police officers, such as beating their spouses, driving drunk, or engaging in insurance fraud.

### **WHAT IS *POLICE* MISCONDUCT?**

This distinction between line of duty misconduct and that which was unrelated to officers= police status seemed reasonable to us, to our advisors, to the NYPD, and to NIJ and its peer reviewers. When we began our examination of the data, however, it became apparent that this distinction was not nearly as clearcut as we all had believed. Figure II-1 presents the NYPD=s coding schema for disciplinary charges, and gives some indication of the difficulty of trying to draw a bright line between *police* deviance and deviance committed by people who happen to be police officers.

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<sup>3</sup> Both NIJ and the NYPD were enthusiastic supporters of this work and, under four NYPD commissioners, we were given virtually unlimited access to the NYPD files and resources we needed to compete our work. We began our negotiations for access to NYPD during the administration of Police Commissioner William Bratton. The great cooperation he extended us was continued by his two predecessors, Howard Safir, Bernard Kerik, and Raymond Kelly.

**FIGURE II-1  
NYPD MISCONDUCT CODES**

001	FOOD STAMP FRAUD	025	NARCOTICS
002	FRAUD TO OBTAIN GOVERNMENT BENEFITS	026	POSSESSION POSSESSION OF AN ILLEGAL WEAPON
003	WELFARE FRAUD	027	RECEIVING UNLAWFUL GRATUITIES
004	ALL UNLISTED MISDEMEANORS	028	RECKLESS ENDANGERMENT
005	ALL UNLISTED FELONIES	029	NARCOTICS SALE
006	ASSAULT 3 OFF DUTY	030	SCOFFLAW
007	ASSAULT 3 ON DUTY	031	SEXUAL MISCONDUCT - FELONY
008	BRIBE TAKING	032	SEXUAL MISCONDUCT - MISDEMEANOR
009	BURGLARY	033	REFUSE RANDOM DRUG TEST
010	CONSPIRACY	034	FAIL RANDOM DRUG TEST
011	FELONIOUS ASSAULT OFF DUTY	035	USE OF NARCOTICS
012	FELONIOUS ASSAULT ON DUTY	036	REFUSE TO TAKE A AFOR CAUSE@ DRUG TEST
013	GAMBLING	037	FAIL AFOR CAUSE@ DRUG TEST
014	GRAND LARCENY	038	OTHER CRIME
015	DISORDERLY CONDUCT/ HARASSMENT OFF DUTY	101	USE OF FORCE ON DUTY
016	INSURANCE FRAUD	102	USE OF FORCE OFF DUTY
017	DWI	103	RACIAL/ETHNIC/ GENDER SLURS
018	LEAVING SCENE - PERSONAL INJURY	104	RACIAL/ETHNIC/ GENDER DISCRIMINATION
019	LEAVING SCENE - PROPERTY DAMAGE	105	ABUSE OF AUTHORITY - ARREST
020	MENACING	106	ABUSE OF AUTHORITY - STOP AND FRISK
021	MURDER		
022	OFFICIAL MISCONDUCT		
023	PERJURY		
024	PETIT LARCENY		

<b>FIGURE II-1 (Continued)</b>		212	FAIL TO SAFEGUARD PROPERTY
107	ABUSE OF AUTHORITY - SUMMONS	213	FAIL TO TAKE POLICE ACTION
108	DISCOURTESY	214	FAIL TO VOUCHER PROPERTY
109	VERBAL ALTERCATION ON DUTY	215	FAIL TO COMPLY WITH AN ORDER
110	MAKING HARASSING TELEPHONE CALLS	216	INSUBORDINATION
111	SEXUAL HARASSMENT	217	LOSS OF HOSPITALIZED PRISONER
112	FAMILY DISPUTES		
113	NEIGHBOR DISPUTES		
114	OFF DUTY VERBAL ALTERCATION	218	MITIGATED LOSS OF PRISONER
201	FAIL TO REPORT ILLEGAL ACTIVITIES/DRUGS	219	NEGLIGENT LOSS OF PRISONER
202	FAIL TO SUPPLY PHONE NUMBER	220	MALINGERING
203	FAIL TO PERFORM ASSIGNED DUTIES	221	FAIL TO PROCESS EMERGENCY CALLS
204	FAIL TO REPORT LOST PROPERTY/FIREARMS	301	BOGUS SHIELD CARRYING UNAUTHORIZED FIREARM STORE
205	FAIL TO RENDER AID TO INJURED PERSONS	302	UNAUTHORIZED FIREARMS IN DEPARTMENT FACILITY
206	FAIL TO PREPARE REPORTS	303	USE OF [FIELD COMPUTER TERMINAL FOR PERSONAL REASONS
207	FAIL TO NOTIFY COMMANDER OF SUSPENDED OR REVOKED LICENSE	304	FAIL TO PROPERLY SAFEGUARD GUN
208	FAIL TO CONDUCT AN INVESTIGATION	305	FAIL TO SAFEGUARD PROPERTY
209	DISOBEY A DIRECT ORDER	306	IMPROPER USE OF FIREARM
210	FAIL TO REMAIN ALERT		
211	FAIL TO REPORT MISCONDUCT	307	

**FIGURE II-1 (Continued)**

308	MITIGATED LOSS OF GUN	327	FAIL TO PAY FOR GOODS OR SERVICES
309	NEGLIGENT LOSS OF GUN	328	AWOL 5 DAYS OR MORE
310	NEGLIGENT LOSS OF RADIO	329	AWOL LESS THAN 5 DAYS
311	LOSS OF RADIO TAKING POLICE ACTION	330	ALL MINOR PATROL GUIDE VIOLATIONS
312	MITIGATED LOSS OF SHIELD	331	APPROPRIATE PROPERTY FOR OWN USE
313	NEGLIGENT LOSS OF SHIELD	332	ASSOCIATE WITH KNOWN CRIMINALS
314	CAUSE FALSE ENTRY TO BE MADE IN DEPARTMENT RECORDS	333	ASSOCIATE WITH PROSTITUTES
315	DESTROY SUMMONS	334	AUTHORIZED LEAVE ABUSE
316	SUBMIT FALSE/FORGED MEDICAL DOCUMENT	335	CONDUCT PREJUDICIAL TO ORDER OR DEPARTMENT COOPING
317	FALSE STATEMENT	336	DISCLOSE OFFICIAL DEPARTMENT BUSINESS
318	PREPARE FALSE REPORTS	337	DISCOURTESY TO A SUPERIOR
319	FALSE/IMPROPER ENTRIES IN DEPARTMENT RECORDS	338	FEIGN ILLNESS
320	FALSE/IMPROPER ACTIVITY LOG ENTRIES	339	IMPROPER PATROL
321	ATTEMPT TO PREVENT ARREST	340	IMPROPER SUPERVISION
322	BRING ALCOHOL INTO DEPARTMENT VEHICLE	341	IMPROPER UNIFORM
323	CONDUCT PERSONNEL BUSINESS ON DUTY	342	LATENESS
324	CONSUME ALCOHOL IN UNIFORM	343	MILITARY LEAVE ABUSE
325	DESTROY SUMMONS	344	OFF POST
326	IMPEDE AN INVESTIGATION	345	OTHER SICK LEAVE VIOLATION
		346	OUT OF RESIDENCE ON SICK REPORT
		347	OVERTIME ABUSE
		348	

**FIGURE II-1 (Continued)**

- 349 RESIDENCY  
VIOLATIONS
- 350 TRAFFIC VIOLATION
- 351 INTOXICATED ON  
DUTY
- 352 UNFIT FOR DUTY - OFF-  
DUTY
- 353 WORK ILLEGAL  
OCCUPATION
- 354 WORK UNAUTHORIZED  
OCCUPATION
- 355 WORK WHILE ON SICK  
REPORT
- 356 WORKING WITHOUT  
PERMISSION
- 357 FAIL TO CONTACT  
SURGEON
- 358 FAIL TO SUBMIT  
MEDICAL  
DOCUMENTATION
- 359 VIOLATE  
DISCIPLINARY  
PROBATION
- 369 FREQUENT ILLEGAL  
LOCATION
- 370 MISCELLANEOUS  
ADMINISTRATIVE

**Failed Probation *NOT INVOLVING SPECIFIC MISCONDUCT DESCRIBED*  
*ABOVE* (Excluded from Analysis)**

- 401 ACADEMIC FAILURE
- 402 PHYSICAL SCHOOL FAILURE
- 403 FIREARMS AND TACTICS FAILURE
- 404 DISCIPLINARY FAILURE
- 405 PSYCHOLOGICAL FAILURE
- 406 FIELD TRAINING FAILURE
- 407 END OF PROBATION RECOMMENDATION BY SUPERVISOR OR  
COMMANDER
- 408 NOT SPECIFIED

As we quickly discovered during data collection, a considerable number of the cases we examined were dismissals caused by officers= failure or refusal to take part in the NYPD=s extensive drug-testing program. Other officers were caught possessing or trafficking drugs. Such cases presented the insoluble problem of determining whether and to what extent these offenses were related to officers= membership in the NYPD. Was Officer A already a drug abuser when he became a police officer? If so, did his abuse become worse B or did he himself become a trafficker through the connections he made on duty? If he was not a drug abuser when he joined the department, did he become a drug abuser because of on-duty contacts or experiences? In either case, did he use drugs or sell drugs on-duty as well as off-duty? Did Officer B engage in insurance fraud independent of her role in the NYPD, or was she given opportunities, or an education in how to do it, by people or experiences associated with her police work? Did Officer C drive drunk because he was self-medicating with alcohol to deal with the stresses of the job, and because he believed that his police status would help him talk his way out of any contact with the police and cover up any damage he did?<sup>4</sup> In short, we found that the line between duty-related misconduct and officers= private business was not nearly as bright as we had anticipated. We also found that our examinations of NYPD files did not resolve these questions and, even had there been some practical way of locating and interviewing the officers involved,

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<sup>4</sup> A recent police scandal in Philadelphia involves precisely this issue. See Fazlollah, 2001.

we had no reasons to anticipate that they would be forthcoming about the details of their problems.<sup>5</sup>

There was another reason to expand our research beyond the original line-of-duty misconduct classification. Regardless of whether it can be neatly classified as duty-related, a police firing is a *firing*, that brings with it consequences that redound negatively to officers involved, to those they may have victimized, to the reputation and good order of the department, to the municipal treasury, to officers themselves, and to their families. Thus, with additional funding from NIJ, we expanded our research to include all classifications of career-ending misconduct by police officers, and it became a study that compared failed police careers and those which, at least by December 31, 1996, had either ended honorably or were still in progress.

#### COUNTING THE FIRED

A second issue in studies such as this is determining whose career has ended because of misconduct. The NYPD maintains no central file that would provide the answer to this question. Instead, usually two to four times a week, it publishes *Personnel Orders* and disseminates them to every departmental unit. These orders report every appointment, promotion, transfer, change in designation, resignation, retirement, vesting, dismissal, termination, or death of both uniformed and civilian

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<sup>5</sup> During Fyfe's first tenure in the Police Academy, staff attempted several times to gain the participation of dismissed officers in training programs and videos. Only in the early 1990s, did one officer finally agree to do so.

NYPD personnel. For several reasons, however, these are not a ready source of information for a study such as ours.

#### Involuntary Separations not Related to Misconduct

First, not all involuntary separations are related to misconduct. In New York City, *dismissal* is the term used to describe firing of tenured civil servants, including the police. Since dismissal is always a penalty for misconduct, all officers dismissed by the NYPD between 1975 and 1996 were included in our analysis. Prior to the award of tenure, however, the department typically does not dismiss officers, because this category of involuntary separation requires some due process, beginning with the specification of charges against officers. Instead, probationary officers typically are *terminated*, a designation that does not require specification or proof of charges, but that instead requires only a statement of the Police Commissioner's determination that an individual has proven to be an unsatisfactory probationer. Much more often than not, such terminations are based on candidates' failures to satisfactorily meet the Police Academy's standards for performance in the academic, physical, or firearms and tactics training programs. Since these failures involve inadequacies rather than misconduct, we excluded them from analysis.

The number of these terminations is substantial and, over the period of our study, may be equal to or larger than the number of separations we included. We began assembling our data by checking 1996 records and proceeding backward to 1975. By the time we had worked back from 1996 to 1987, we had identified 1,591 officers who had been involuntarily separated. Only 741 of these officers eventually

were included in our study group; the great majority of the 850 excluded officers were non-behavioral probationary failures.

We did retain for analysis probationary officers whose terminations obviously were rooted in misconduct, including failure to abide by the Police Academy's disciplinary rules or, quite often, failure to take or pass a drug test. Determining which of the terminated probationers had been separated for behavioral reasons, rather than for simple training failures, required us to use the Personnel Orders to identify every terminated officer, and thence, to proceed to each officer's personnel history to determine the cause for termination. In doing so, we reviewed at least 1,000 cases that eventually were deleted from our analyses.<sup>6</sup> In this process, we also encountered a

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<sup>6</sup>An historical note on this point may be instructive. The principal investigator of this study is both an alumnus (1963) and a former and present staff member (1973-79; 2002-present) of the NYPD Police Academy. In 1963 and, indeed, until 1973, when the NYPD began hiring large numbers of recruit officers after a hiatus forced by a minor fiscal crisis, officers rarely were terminated during their probationary periods for reasons unrelated to serious misconduct. Written, physical, and strength and agility exams, and background and character investigations at that time were sufficiently stringent so that they were regarded as the agency's major screeners; that they also had not been validated as job relevant and that they had discriminatory effects against women and other protected groups was not yet on any administrators' radar screens. At that time, anybody who passed through the pre-employment process was deemed qualified to become a tenured officer, so that the probationary period was a mere formality. Indeed, new officers during those years were instructed to make certain that any supervisors who might catch them in wrongdoing understood that they were probationers because department norms demanded that ranking officers refrain from disciplinary actions against probationers in order to avoid ending their careers for youthful mistakes. In effect, the award of an officer's shield at one's probationary appointment to the NYPD was a *de facto* lifetime appointment that one might lose during probation only for conduct that would also have resulted in severe discipline or dismissal of officers whose probationary periods had been completed. This changed in the early 1970s, when the NYPD responded to equal opportunity legislation and litigation by modifying its standards for probationary appointments so that their discriminatory effects against women and members of racial and ethnic minorities were reduced. However

small number of cases in which probationary officers had been Adecertified@ when it was discovered that they had concealed pre-employment histories of criminal behavior or mental illness. These cases, too, were excluded on the reasoning that, although these officers were effectively living a lie after they were hired, they would have been screened out in a more thorough pre-employment investigatory process.

#### Apparently Voluntary Separations Related to Misconduct

Another complication in our efforts to identify involuntarily separated officers was the NYPD=s practice of forcing some officers to retire or resign under honorable conditions in return for their cooperation in investigating and prosecuting wrongdoing of which they had been a part. Perhaps the best known example of this mode of leaving the agency was Detective Robert Leuci, the protagonist in the 1970s *Prince of the City* scandals involving the Special Investigations Unit, the NYPD=s elite narcotics squad (Daley, 1978). Although Leuci admittedly was involved in chargeable offenses, his cooperation and testimony in prosecutions of other corrupt officers was part of an agreement that allowed him to remain in service until he became eligible to retire on the twentieth anniversary of his appointment.<sup>7</sup>

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commendable, this change meant that very few candidates were screened out by the entrance examinations and background investigations. Consequently, the presumably more job relevant training and probationary periods generally became the agency=s major screening devices. For the first time, then, significant numbers of new officers were terminated during these periods, both for reasons of inadequate performance, and because of the end of tolerance of improper conduct by probationers.

<sup>7</sup> Leuci was one of the first Aturned@ officers whose cooperation and testimony were rewarded in this manner. Prior to the early-1970s corruption scandals in New York, officers implicated in wrongdoing were offered no deals, and B as Arogue cops@ and Abad apples@ B were instead prosecuted severely in both the criminal courts and the NYPD=s internal disciplinary mechanisms. However intuitively appealing it may be to

Not all such cases are so readily identifiable. Consequently, we attempted to locate as many others as possible by checking into the circumstances of all apparently premature departures from the NYPD. We also sought out such information from members of departmental units most likely to know of them (e.g., Internal Affairs; the Department Advocate, its prosecutor in administrative disciplinary cases; the Legal Bureau; and the Personnel Bureau).

### The Study and Control Officers

Identifying the study and control officers were extremely labor intensive processes. Our review of the Personnel Orders produced an original pool of about 3,000 officers who were deemed worthy of further investigation for inclusion in the data set we would eventually analyze.<sup>8</sup> More than 1,000 turned out to be recruits terminated for substandard performance that did not involve specific acts of misconduct, and several hundred others were determined to be officers who left in good standing. This left us with 1,543 officers who fit our definition of *involuntarily separated*. Almost certainly, we have missed some additional cases, but it is fair to say that we did everything reasonably possible to capture them all, and that the few that may have slipped through our net do not affect the direction or strength of our

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punish deviant officers harshly in this manner, this policy made it impossible to use such officers to develop evidence against either their corrupt colleagues or the members of the public who were parties to their corrupt arrangements. Only when this policy was ended by application to police misconduct cases of the more traditional practice of *using little ones to get big ones* did the NYPD and other investigators begin to make real inroads into organized corruption.

<sup>8</sup> It is impossible to state this figure with precision because our pool of potential study officers was constantly changing. We attempted to screen cases out of the data simultaneous with data collection. Thus, some officers were excluded on the same day

findings. To serve as controls to these study officers, we also selected a random sample of their police academy classmates. We did this the old fashioned way: by running through an alphabetical list of the officers appointed in each class and using a list of random numbers to count down the list to select the appropriate number of control officers. This was a labor intensive process. In some cases, we selected and coded controls, only to find that their corresponding study officers did not meet our criteria for involuntary separation. In other cases, we found that control officers had resigned from the NYPD within the first few days after their appointments, so that their files included insufficient information for comparisons of any kind. In still other cases, we found that designated control officers had themselves left the NYPD so long ago that their files had been destroyed in accord with the agency's 21-year document retention schedule. In instances in which our original randomly selected control officers turned out to be unusable for analysis, we included in our control group the next officers on the class rosters. In the end, we derived a sample of 1,542 control officers.<sup>9</sup> Because of the random manner in which they were selected, we presume them to be

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that they had been identified, and other were screened out only some time later.

<sup>9</sup> In some cases, the official appointment dates of study and control officer pairs differ. This typically is an artifact because one or the other has an appointment date adjusted by the award of credit for prior government service or because one was in military service, and therefore unavailable for police training on the date upon which he or she first became eligible for promotion.

representative of their Police Academy cohorts as a whole. Consequently, differences between them and the study officers may be presumed to define the distinctions between involuntarily separated officers and those who served honorably or, at least, who have not been caught engaging in career-ending misconduct.

### **III. PRIOR RESEARCH ON POLICE MISCONDUCT**

There exists an extensive body of literature on police misconduct, but we know of no previously published work that focuses on a range of behavior as broad as that studied in this research. For this reason, as Figure II-1 suggests, the misconduct classifications used in prior research are not fully adequate to describe the phenomena that are the subject of our work. We have examined every incident in which an officer was involuntarily separated from the NYPD for any behavioral reason. Previous work typically has concentrated on specific types of occupational deviance, such as *corruption* (e.g., taking bribes from vice operators) or *brutality* (e.g., beating arrestees), that is clearly linked to the offender=s status as a police officer, and does not examine wrongful behavior that may be less obviously associated with police status. Still, it is worth discussing this prior work because it sets a context for our own and because such a discussion illustrates the inadequacy of existing classifications for our purposes.

#### **EXISTING CLASSIFICATIONS OF POLICE MISCONDUCT**

Occupational deviance by police officers has been variously described by many policing scholars, leading to a general conceptualization that distinguishes among Atypes@ of job-related misbehavior. As the following discussion suggests, however, these discussions are useful primarily for studies that focus on particular cases or episodes, and are of limited utility in a broad study such as this.

### Police Crime

The first category of police deviance cited in the literature is *police crime*, which involves the use of officers= positions of public trust to violate existing criminal statutes (Kappeler et al., 1994). As Sherman (1978) noted, and as we found, however, *police crime* does not describe all crimes committed by police officers, since many offenses may have nothing to do with officers= employment status. Our data set includes officers who engaged in off-duty burglaries, domestic assaults, or tax evasion, all of which certainly are crimes. Absent abuse of their police authority to gaining the opportunity B or, perhaps, the skills B to commit the crimes, however, these acts of deviance probably should not be considered police crime. An example makes the point: in our view, any officer who steals drugs from an evidence locker and sells them has engaged in police crime because his employment status created access to the evidence locker and, therefore, made the crime possible. But, absent such an indication of where an officer charged with dealing drugs may have obtained her wares, one can only speculate on whether her offense is job-related. In the absence of such evidence, as well as other information that would allow one to clearly distinguish between police crime and other offenses crimes by police, it is very difficult in practice to draw a bright line that clearly delineates police crime.

### Police Corruption

The next form of deviance is police corruption, which has been the subject of varying definitions. The consistent feature of most definitions of police corruption is

that it involves officers who use their position or authority to engage in misconduct, through act or omission, to achieve personal benefit. Thus, these definitions suggests that police corruption may be conceptualized as profit-motivated police misconduct.<sup>10</sup>

Criminal and Administrative Corruption. The literature=s conception of police corruption as profit-motivated misconduct means that it is not entirely distinguishable from police crime, and illustrates a major problem with existing classifications. In addition, Hale (1989) points out, there are differing views of whether corruption should be defined to include only illegal behaviors. McMullan (1961) B who did not restrict his scope to police officers B noted that any public officials are Acorrupt@ if they accept compensation for *not* performing regular duties, or for performing duties normally proscribed by their employment positions. McMullan=s formulation recognized that both legal and illegal behavior may be considered corrupt. So, too, does the definition offered by Sherman (1978:30), who wrote simply that an act of police deviance represents corruption when the act is committed for Apersonal gain.@ Finally, Goldstein (1977:188) articulated a definition similar to Sherman=s, defining corruption as profit-motivated misconduct, without clearly specifying that its wrongful nature must be defined in criminal law.

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<sup>10</sup> But see McCafferty and McCafferty (1998) who define corruption to include Amooching, chiseling, favoritism, prejudice, shoplifting, extortion, accepting bribes, shakedown, perjury, premeditated theft. Other forms of corruption include drinking on the job, having sex with informants and others, carrying unauthorized weapons, sleeping and doing personal chores while on duty, assault, and others.@

Whether one considers corruption to include only crime or, more broadly, to also include administrative or ethical violations has important implications for our attempts to classify and simplify the range of behaviors described in Figure II-1. In New York and other cities, for example, police agencies have placed administrative limits on officers' off-duty employment activities. New York officers who violated such limits by, say, working second jobs for more than the maximum 20 hours allowed by department regulations or by accepting administratively prohibited private security positions in the patrol precincts to which they were assigned would be considered corrupt under McMullan's definition. Because such conduct violates only administrative regulations and is not proscribed by law, it could not be considered corrupt if only statutory violations were included in this classification.

Police corruption or employment corruption? Another ambiguity is illustrated by the first several misconduct classifications defined in Figure II-1 (food stamp fraud; fraud to obtain government benefits; welfare fraud). These all are crimes, and all are profit-motivated. Their relationship to offenders' police authority, however, is absent or, at least, far less clear than in cases involving officers who take bribes to allow illegal behavior or who sell drugs they have stolen from narcotics traffickers during the course of arrests and seizures. Instead, in most cases, these offenders are persons who were receiving food stamps, welfare, or other government benefits at the time they were appointed to the NYPD and who failed to notify the agencies supporting them that they had secured paying employment and were therefore no longer eligible for such benefits. Many such offenders were detected in the course of cross-checks of

New York City welfare roles and employment rosters. Thus, these offenders were corrupt in that they committed profit-motivated crimes that were related to their employment; but only because the fact of their employment *B no matter what it may have been* B disqualified them for the benefits they were receiving. These offenses involved no apparent use or abuse of police authority and, as experience showed, could just as easily have occurred had the offenders worked in the city=s board of education or in any of a range of other non-police employment situations. In short, while these activities unquestionably involve corruption and offenders= employment, they do not involve crime that is unique to the police.

Unambiguous police corruption. When working within the parameters of his definition of corruption as profit-motivated abuse of police authority, Sherman (1978) noted two types of police corruption: events and arrangements. Officers who engage in corrupt events are generally individuals who practice profit motivated misconduct with varying degrees of repetition, and most frequently with different victims (Sherman, 1978). An example of event corruption is a drug enforcement officer who removes and sells some of the drugs he seizes in the course of arrests. According to Sherman, corrupt events are difficult for police administrators to detect since the officer-victim combinations are different during each transaction. Moreover, officers who engage in this type of deviance can further minimize their risk of detection by choosing unsympathetic victims of limited credibility (Kappeler and Potter, 1993).

Corrupt arrangements tend to involve police officers acting in groups, representing organized corruption involving the same officers and the same victims,

and maintaining a standard degree of repetition (Sherman, 1978). An example of corrupt arrangements is a group (or squad) of officers who extort or accept money from gamblers, so the latter may operate without police interference. Corrupt arrangements were discovered to exist in the New York City Police Department by the Knapp Commission (1972), which identified *pads*, or networks of payoffs to officers at regular, usually monthly, intervals. As Sherman (1978) noted, the vulnerability of detection is largely a function of predictability. Therefore, officers who establish corrupt arrangements risk detection at a higher rate than those who participate in corrupt events. It is relatively easy for officials to detect and sanction corruption involving regular monthly payoffs because participants must meet or otherwise arrange to make exchanges. It is more difficult to predict when opportunities for event-based corruption will arise.

#### Abuse of Power

The final form of police deviance described in the literature is *abuse of power*, which Carter (1985:322) defined as Any action by a police officer without regard to motive, intent, or malice that tends to injure, insult, tread on human dignity, manifest feelings of inferiority, and/or violate an inherent legal right of a member of the [public].@ This definition is commonsensical, but suffers because it and corruption are not mutually exclusive. Instead, they often are one and the same. Included among the profit-motivated misconduct identified by those who have recently investigated corruption in Los Angeles, New York, and Philadelphia were such abuses of power as

robbery, kidnaping, and attempted murder (Los Angeles Police Department, 2001; Mollen Commission, 1994; Philadelphia City Council, 1995).

Setting aside this classification problem, Kappeler, et al. (1994) point out, Carter=s definition considered three broad areas of police abuse including physical, psychological, and legal domains.

Physical Abuse. Over the years since the internationally publicized Los Angeles Police Department beating of fleeing motorist Rodney King, police violence (or physical abuse) has become perhaps the most widely discussed and debated form of police occupational deviance committed by police (Skolnick & Fyfe, 1993). While excessive force is often considered a single construct of police abuse of authority, Fyfe (1986) distinguished between extralegal and unnecessary police violence. Fyfe argued that extralegal force, or *brutality*, represented intentional physical abuse inflicted maliciously and for no legitimate police purposes against persons whose major offense were challenges to police authority (see also Van Maanen, 1978). In this context, brutality is a form of improper punishment. It is designed to convey the message that such behavior as fleeing from the police or questioning police judgment or officers= power to take action has a great and immediate cost independent of whatever formal penalties may subsequently be imposed by the courts (Worden, 1996). Officers who engage in brutality typically justify it as a deterrent: as a method of assuring that the next officer who encounters one who has been thus instructed in the cost of challenging the police will find only compliance rather than resistance.

By contrast, *unnecessary force* typically results from police incompetence or carelessness, and is generally not the product of malice. It usually occurs when officers unnecessarily put themselves in harm=s way by using poor tactics while approaching potentially violent persons or situations. Then, when potential violence suddenly becomes real, the officers find that their exposed and vulnerable positions have left them no options but to resort to force to defend themselves (Fyfe, 1986). A typical example of this occurs when police respond to a *man with a gun* call. They might arrive on the scene to find an agitated man pacing in his front yard with a pistol in hand. Because officers neglect to find cover or concealment<sup>11</sup> (i.e., failing to position themselves behind parked cars or otherwise out of the direct line of fire), they shoot the man when he makes a sudden movement that they perceive to be threatening.

When, in the manner of criminal prosecutors, one focuses on the Afinal frame@ of the incident (e.g., the instant immediately preceding the shooting; see Binder & Scharf, 1980) one might conclude that the force used was be justifiable since, at that instant, the police had no real choice except to use force to protect themselves. However, when considering the events that *led* to the shooting, as some courts have done (*Zuchel v. Denver*, 1993) and as responsible police administrators should (Fyfe, 1975, 1986; Klockars, 1996), one might find that incompetence and/or carelessness on the part of officers left them at risk of being shot in the first place. Had they found proper cover,

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<sup>11</sup>Like the military, the police define cover as a barrier that will stop a bullet (e.g., a brick wall; a vehicle=s engine block; a thick tree), while concealment includes only barriers capable of hiding an individual=s presence without the capacity to stop a bullet (e.g, a bush; a sheetrock wall; a typical door).

they might have found it unnecessary to shoot (e.g., thus protected, they might have been able to wait and persuade the man to drop the gun, which would have averted the use of violence).

None of the officers in our study were involuntarily separated for using unnecessary force. This is not surprising because this type of wrongful force typically indicates an agency-wide training or policy deficiency rather than individual venality by the officers who engage in it. Thus, in the NYPD, it usually has resulted in less drastic action (e.g., retraining in law or tactics; occasional suspensions) rather than in dismissal. The force that served as the basis for involuntary separations of the officers studied in this research, therefore, consisted of various types of brutality.

Psychological abuse. According to Carter (1985), police psychological abuse has historically been rooted primarily in police interview practices, and developed largely in response to the prohibition of the use of physically compelling tactics during interrogations. As del Carmen (1991) noted, the Supreme Court's decision in *Brown v. Mississippi* (1936), which banned the police use of physical coercion during interrogations, led officers to begin a reliance on psychological coercion as a means of obtaining confessions. Though the Court officially forbade intense psychological coercion of suspects in police custody (see *Spano v. New York*, 1959), del Carmen suggests that it is likely that such abuse continues in U.S. policing (del Carmen, 1991).

Legal abuse. Generally, legal abuse involves police officers who violate criminal statutes, or the rights of citizens (typically, accused offenders) in order to

achieve some organizational goal (Kappeler, et al., 1994) or to accomplish some presumably noble cause (Crank and Caldero, 2000; Klockars, 1980). One of its forms is police perjury that is designed to ensure that an accused offender is adjudicated guilty. It may also involve officers who set up illegal wire taps in order to surreptitiously gather incriminating information on suspects. Certainly, these examples are not exhaustive B one of the more appallingly imaginative episodes involved six New York State troopers who planted and then pretended to discover latent fingerprints at crime scenes, purportedly to strengthen cases against suspects whom they were convinced were guilty (Perez-Pena, 1997).

Police abuse of authority is an interesting form of deviance. *Like* other forms of misconduct (i.e., police crime and corruption), it involves abuse of the police powers of office. However, *unlike* the other forms of police deviance, police abuse of authority is often structured to achieve organizational B as opposed to personal B gain. Often, it is, as Klockars (1980) observed, the use of dirty means to achieve what most would regard as noble ends: the punishment of people who did, in fact, commit the crimes of which they are suspected but who, for one reason or another, could not be convicted on the basis of legally admissible evidence. In other cases, as in the recent Oakland police ARiders@ scandal involving officers who allegedly planted drugs on persons whom they

then arrested, it is an even more perverted method of generating impressive arrest statistics (Glionna, 2001).<sup>12</sup>

### Off-Duty Misconduct

Not all misconduct by the police occurs while they are on-duty. Fyfe (1980a) reported that, in New York City, about 20 percent of police firearms discharges involved officers who were off-duty, and that the NYPD found cause for disciplinary or criminal action in half of these cases. He subsequently reported a similar pattern of inappropriate off-duty police shooting in Philadelphia (Fyfe, 1987), and found that Philadelphia officers frequently engaged in lesser degrees of inappropriate force while off-duty (Fyfe, 1998). In addition, the data examined in these evaluations included incidents in which off-duty officers abused their police authority to resolve personal disputes; domestic violence; bar fights; drunk driving and related vehicle accidents, including hit and run collisions; acts of vandalism; sex offenses; and such property crimes as larceny and burglary. In short, in addition to misconduct directly related to their status as police, off-duty officers engage in all the offenses available to the general public.

When is Off-Duty Not Line of Duty? Drawing the line between police off-duty conduct that is not job-related and that which is associated with offenders= status as police officers often is not an easy task. Most obviously, as suggested above, police

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<sup>12</sup> On occasion, of course, police abuse of authority serves both organizational and personal goals: *big arrests* in highly publicized cases often bring praise to police agencies and promotions to arresting officers.

officers= guns, badges, authority, special knowledge, and access to contraband and criminal opportunities while on-duty may facilitate off-duty criminality or violations of departmental regulations.

In addition, in New York and other jurisdictions, police officers have law enforcement authority 24 hours a day, seven days a week, both within the municipalities and counties that employ them and throughout the state. This arrangement occasionally causes controversy about whether actions by off-duty officers B especially when involving weapons issued or authorized by their police employers B should be considered to have occurred Ain the line of police duty.@ Although the NYPD has long attempted to discourage officers from taking police action in situations that are not imminently life-threatening,<sup>13</sup> there remain controversies about which off-duty actions are legitimate, which are wrongful abuses of police authority, and which are simply aberrations independent of officers= police status. In 1987, the NYPD advised officers in a legal notice that it would be unlikely to defend them in civil suits arising from their attempts to take off-duty police action while outside the city. This notice also advised officers that the department would scrutinize off-duty actions within the city on a case-by-case basis to determine whether they were line-of-duty activities (NYPD, 1987). Regardless of the attempts of the department and its lawyers

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<sup>13</sup> The NYPD=s original temporary order limiting officers= off-duty authority was issued on March 20, 1981, and became a formal amendment to the *Patrol Guide*, the department=s manual, in 1984 (NYPD, 1984).

to divorce itself from off-duty abuses by officers, both the police union and attorneys representing persons who claim to have been victimized by off-duty police invariably argue that whatever officers do off-duty is associated with their police work. Often, but not always, they win these arguments.

Two Illustrations. Two cases from different sides of the continent illustrate the ambiguity concerning whether and when police off-duty misconduct is job-related. Perhaps the leading New York City case on this point is *Bonsignore v. City of New York* (1982). Blaise Bonsignore was an NYPD officer who was regarded by his commanders and supervisors as emotionally and psychologically unfit for field duty. Consequently, even though he was stationed at a patrol precinct, Bonsignore had been assigned to station house duty (as the attendant, or Abroom@) for more than a decade. He was, however, permitted to retain possession of his guns.<sup>14</sup> While off-duty, he used his gun to shoot his estranged wife, causing permanent brain damage, and to kill himself. In a suit brought by Bonsignore's wife, a jury found that his actions were a predictable result of the department's failure to keep Bonsignore's gun from him while he was off-duty. Consequently, the shooting was found to be job-related, and the NYPD was found liable for the injuries Bonsignore inflicted upon his wife. The

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<sup>14</sup> At the time, the NYPD did not issue guns to officers, but instead required them to purchase and equip themselves with designated weapons. NYPD presently supplies officers with duty weapons, leaving them the option of buying one or more of several designated smaller weapons for use while off-duty or on plainclothes duty.

Second Circuit United States Court of Appeals rejected New York City=s appeal from this verdict.

In California, however, the federal courts reached a different conclusion in *Huffman v. County of Los Angeles* (1998), a similar, if not precisely analogous, case. There, Thomas Kirsch, an off-duty deputy of the Los Angeles County Sheriff=s Department (LASD) spent a Sunday afternoon and evening drinking in a neighborhood bar. Apparently very intoxicated, he became involved in an argument with John Huffman, a young man, and apparently accepted an invitation to step outside. Once there, allegedly without identifying himself as a deputy, Kirsch drew his service weapon from behind a large western-style buckle on his belt, and shot and killed Huffman. Huffman=s family sued Kirsch and the LASD arguing, in effect, that the death was the predictable result of, first, a departmental requirement that deputies be armed all the time and, second, an official policy that allowed deputies to carry weapons even while intoxicated. As evidence that the shooting was job-related and consistent with the Sheriff=s policy, Huffman=s survivors pointed out in court papers filed more than two years after the shooting that the LASD had taken no action to discipline Kirsch. As evidence that the shooting was predictable, Huffman=s survivors showed that:

Thomas Kirsch received no training or suggestion that he should not carry a gun while drinking alcohol. He has never been provided with any written procedures or training bulletins or special orders, or any written material on the subject. He stated, under penalty of perjury, that he was required and encouraged to carry a gun at all times. He was trained that he was a deputy sheriff 24 hours a day.

LASD knew of at least 80 incidents, between [December] 1989 and [mid-] 1994, in which there were allegations that off-duty deputy sheriffs had brandished or discharged firearms. Approximately one-half of the incidents disclosed involved freeway disputes [situations in which deputies in their private vehicles became involved in disputes with other motorists]. Approximately six involved personal disputes in which officers fired guns. Approximately fifteen of the incidents that were disclosed involved situations in which the use of alcohol was undisputed. There were additional instances in which it appeared that alcohol was involved but in which LAPD failed to mention that fact in its investigative reports, e.g., incidents outside of bars or parties...

It is the express policy of LASD that it does not restrict the use or carrying of a gun by an off-duty deputy even if he is intoxicated (Huffman v. County of Los Angeles, Petitioner=s Writ for Certiorari, 1998).

These arguments convinced a jury, which ruled that Huffman=s death was the result of the LASD=s inadequate policies and practices. The Ninth Circuit U.S. Court of Appeals, however, overturned this finding, ruling instead that Huffman=s death was the result of private acts@ unrelated to either LASD policies or to Kirsch=s position as a law enforcement officer. The Circuit=s decision was allowed to stand by the U.S. Supreme Court, which denied Huffman=s writ for certiorari.

Thus, the Second Circuit treated Bonsignore=s attempt to kill his wife with his police gun as a job-related act, and held the NYPD liable because its policy and practice (failing to see that an emotionally unstable officer did not have access to his service weapon while off-duty) made this shooting predictable. The Ninth Circuit, by contrast, ruled that Kirsch=s killing of Huffman was a private act that was unrelated to his

employer=s failure to see that off-duty officers behaved responsibly and did not carry or use weapons while intoxicated.

Other Ambiguities. Elizabeth Reuss-Ianni studied New York City police in the 1970s, when the first of the officers in our study were separated from the NYPD. She concluded that there then existed in the department a street cop culture, in which officers placed a very high value on not giving up another cop (Reuss-Ianni, 1983:14). Variants of this code of behavior have been reported in virtually every relevant study of the police (Westley, 1953; Skolnick, 1966; Reiss, 1968, 1971; Stoddard, 1968; Chambliss and Seidman, 1971; Rubinstein, 1973; Ivkovich and Klockars, 1995), as well as in official investigations into policing in New York (Knapp Commission, 1972; Kelly, 1992; Mollen Commission, 1994); Boston (St. Clair Commission, 1992); Los Angeles (Christopher Commission, 1991; Los Angeles Police Department, 2000); Los Angeles County (Kolts Commission, 1992); Milwaukee (DiUlio, et al., 1991); New Orleans (New Orleans, 1993); Philadelphia (Philadelphia Police Study Task Force, 1987); and Sydney (Royal Commission, 1997).

As one examines data such as those analyzed in this report, a question related to this ambiguity evinces itself in cases less dramatic than the two shootings described above: To what extent is off-duty misconduct job-related in the sense that offending officers trust that other officers who may discover it will treat them differently from ordinary citizens caught in the same circumstances? Can an officer who drives recklessly or while intoxicated, beats his spouse, or engages in street brawling, for example, do so in some confidence that, even if caught, he will not be subjected to the same formal processing that

would befall one who could not flash a badge and ask for a professional courtesy?@  
Examples of such extraordinary treatment, mostly in agencies other than the NYPD, appear in the press or in the courts with sufficient frequency to suggest that at least some officers may engage in off-duty misconduct only because they believe their police status will grant them immunity from punishment.<sup>15</sup>

### OUR CLASSIFICATIONS OF POLICE MISCONDUCT

The unsatisfactory nature of existing classifications of police misconduct and our own inability to divine either officers' logic or whether much misconduct was job-related led us to construct our own classifications of police misconduct, which is employed in several sections of our research. To do so, we collapsed NYPD's broad range of misconduct categories into the following:

1. *Profit-motivated crimes:* All offenses, other than drug trafficking and whether on-duty or off-duty, in which the end or apparent goal of officers' wrongdoing was a profit.
2. *Off-duty crimes against persons:* All assaultive behavior, except for profit-motivated robberies, by off-duty officers.

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<sup>15</sup> Fyfe (1998) reported on a civil rights action involving off-duty Philadelphia officers who had assaulted two young men after a highway dispute. When witnesses (who did not realize that the assailants were police) called the police department to intercede, they were surprised to see that the responding officers allowed the beatings to continue, and that they arrested the victims rather than the assailants. This incident came to light only because the off-duty officers subsequently vandalized the young men's car; a prior similar incident involving one of the officers had resulted in no formal action by the department. More recently, Fazlollah (2001) reported on the cover-up of an apparent hit and run accident by an off-duty Philadelphia police captain who was driving a police department car while intoxicated.

3. *Off-duty public order crimes:* All offenses, other than drug trafficking or possession, against public order, including driving while intoxicated and disorderly conduct.
4. *Drugs:* Possession and sale of drugs, and related conspiracies, as well as failing or refusing to submit to departmental drug tests.
5. *On-duty abuse:* All offenses by on-duty officers involving use of excessive force, psychological abuse, or discrimination based on citizens= membership in a class (e.g., gender, race, ethnicity, sexual preference).
6. *Obstruction of justice:* conspiracy, perjury, official misconduct, and all offenses in which the apparent goal is obstruction or subversion of judicial proceedings.
7. *Administrative/failure to perform:* Failure to abide by departmental regulations concerning attendance, performance, obedience, reporting, and other conduct not including in other offense types.
8. *Conduct-related probationary failures:* All misconduct-related terminations of probationary officers in which misconduct in types1-7 is not specified, and excluding simple failure in training programs.

## CORRELATES OF POLICE MISCONDUCT

Studies attempting to identify factors associated with police misconduct have focused on community and organizational variables, as well as upon personal characteristics of police officers. These works serve as guides for our own study.

### Community and Organizational Correlates of Police Deviance

In large eastern cities, the literature suggests, the trouble most frequently affecting police is profit-motivated misconduct (e.g. Mollen Commission, 1994). In more recently developed western jurisdictions, police deviance may usually involve on-duty abuse (e.g., Christopher Commission, 1991). There are some exceptions to this generality,<sup>16</sup> but the literature is replete with observations that confirm it (Bobb, et al., 1992, 1993, 1994a, 1994b, 1995, 1996a, 1996b; Chevigny, 1995; Chicago Police Committee, 1931; Cohen, 1980; Daley, 1978; Domanick, 1994; Fogelson, 1977; Gates, 1992:85-87; Goldstein, 1977:214; Kappeler, Sluder, and Alpert, 1994:145-167, 187-238; Kelly, 1992; Knapp Commission, 1972; Kolts Commission, 1992; Maas, 1972; McAlary, 1989; Mollen Commission, 1993, 1994; Murphy and Plate, 1977; Philadelphia Police Study Task Force,

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<sup>16</sup> Perhaps most notably, the recent *Rampart* scandal, in which Los Angeles police officers allegedly were involved in trafficking and stealing narcotics, and in related violence (Los Angeles Police Department, 2000). In addition, Philadelphia and New Orleans have, at various times, have been marred by scandals involving profit motivated misconduct and on-duty abuse (see, e.g., Fyfe, 1980b; New Orleans Mayor's Advisory Committee, 1993; Skolnick and Fyfe, 1993; Thrasher, et al., 1979; United States Civil Rights Commission, 1979, 1981; *United States v. Philadelphia*, 1979; Williams, 1974).

1987; Rothmiller and Goldman, 1992; Rubinstein, 1973; Schechter and Phillips, 1973; Sherman, 1978; Skolnick and Fyfe, 1993; Williams, 1974).

Despite the history of corruption scandals in New York City, Chevigny (1996:85) writes that "[t]he NYPD is not a notably abusive department," and that a thriving "lawyer who specializes in damage actions for police brutality in Los Angeles told [him] that he would starve if he had to practice in New York."<sup>17</sup> Kappeler, Sluder and Alpert (1994: 145-167, 187-238) write at length regarding violence in the Los Angeles Police Department and corruption in the New York City and Washington DC Police Departments. In 1931, the blue-ribbon Chicago Police Committee conducted one of many studies of corruption in that city's police department (see, also Fogelson, 1977; Goldstein, 1977:214; Williams, 1973). The presence of brutality and, until the shock of the recent Rampart scandal, the apparent absence of money corruption during the recent history of the Los Angeles Police Department has been reported by Bobb, et al. (1996), the Christopher Commission (1991), Domanick (1994), Gates (1992:85-87), Rothmiller and Goldman (1992), and Skolnick and Fyfe (1993). Although the Los Angeles County Sheriff's Department recently suffered a narcotics-related corruption scandal, the major focus of the Kolts Commission's study and subsequent reports has been brutality and other abusive behavior (Kolts Commission, 1992; Bobb, et al., 1993, 1994a, 1994b, 1995, 1996), as it

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<sup>17</sup>In the years since Chevigny wrote this, two notorious incidents (the sodomy inflicted upon Abner Louima in a precinct restroom and the Bronx shooting death of Amadou Diallo) have affected this benign image.

was in Cohen's (1980) study of policing in neighboring Long Beach. In New York, Daley (1978), Kelly (1992), Maas (1972), McAlary (1989), Mollen Commission (1993, 1994), Murphy and Plate (1977), Schecter and Phillips (1973) have all reported on corruption and efforts to deal with it, as have the Philadelphia Police Study Task Force (1987) and Rubinstein (1973) in their analyses of Philadelphia police.

Several likely reasons for this variation between older, eastern (and eastern-style) cities and more recently settled areas may be identified. It is likely, for example, that this apparent geographic variation is actually cultural, having more to do with cities' histories and populations than with where they are. The major police scandals affecting the western cities most similar in demographics and developmental history to eastern jurisdictions B Seattle, Portland, San Francisco, Oakland, and Denver B have involved profit motivated misconduct rather than use of force (see, Fogelson, 1977; Smith, 1965). In these, and in diverse eastern jurisdictions B Boston, Chicago, Newark, New York, Philadelphia, and Washington DC B there typically exists a tradition of Wilson's (1968) "Watchman Style" of policing, in which officers exercise great discretion in fitting their activities to distinct ethnic and racial communities characterized by highly decentralized political leadership (see also Sherman, 1978). In such places, profit motivated misconduct may arise for several reasons related to community and police organizational culture:

- Local police are mandated to enforce locally unpopular laws enacted by distant and rural dominated state legislatures (e.g., limiting gambling; sale and consumption of liquor; prostitution) (Haller, 1976; Wilson, 1963). In such cases, officers are likely to cede to local will, and to engage in

pervasive organized corruption (Sherman, 1978) involving the *de facto* licensing of these activities in return for bribes and kickbacks (Miller, 1975, 1977; Murphy and Plate, 1977; Wilson, 1963). The "pads" or highly organized monthly payments by gamblers to New York City vice officers exposed by Officer Frank Serpico (Maas, 1973) and the Knapp Commission (1972) are perhaps the best-known modern example of this form of profit motivated misconduct.

- The laws of many eastern states historically have reflected a narrow, colonial era, religious view of propriety that not found in states in which criminal codes and other statutes were more recently adopted. Routinely violated "blue laws" that prohibited virtually all commerce on Sundays, for example, were cited by the Knapp Commission, (1973) as a major source of profit motivated misconduct in New York.
- Many of the people who populate eastern inner-cities have immigrated from places characterized by great oppression, and have settled "among their own," in distinct ethnic communities. Wilson (1985:162) argues that such persons were taught by their experience in other places to distrust government and to regard "[g]overnmental integrity [as] an implausible abstraction." The underground cultures and economies that developed in these conditions frequently are characterized by graft and gratuities to untrustworthy public officials in return for permission to break laws they had no part in enacting and that they regard as arbitrary.

- The great poverty, high rates of crime and violence, and alienation in some areas of these cities are associated with markets for drugs and other illegal goods and services that simply do not exist in more homogenous and uniformly prosperous jurisdictions where legitimate opportunities are in great supply. Officers B perhaps especially young suburbanites who may not identify with or understand underclass problems and cultures, and who may wrongly stereotype all of their clientele as criminal B may exploit these markets through theft, bribery, and direct involvement in drug dealing (Kelly, 1992; McAlary, 1989; Mollen, 1993, 1994).

Until very recently, by contrast, the residents of recently developed western areas typically have been homogenous immigrants who have left other parts of the United States in search of the good life and good government. In post-World War II Los Angeles, Chevigny (1996) and Domanick (1994) suggest, a major job of the police was to see that rapid western growth and migration were unimpeded by crime or the obtrusive presence of people some might see as undesirable. Hence, excesses in furtherance of these interests B harassment, brutality, unlawful arrests B were tolerated. Conversely, profit motivated misconduct B which had blotted the Los Angeles Police Department before the rapid growth of the last half-century B was sought out and punished so vigorously that it virtually disappeared. In Wilson's (1968) terms, William Parker's Los Angeles Police Department (like the formerly corrupt Oakland Police Department he studied) shifted from "Watchman" to "Legalistic" policing. Unlike the Oakland department, however, the LAPD apparently left officers' discretion in use of force relatively unchecked.

### Looking for Individual Correlates of Police Misconduct

This variation over place and time does not tell us why some officers B and not others B end their careers dishonorably. Even in the most troubled police departments, it would appear that, while many officers may tolerate their colleagues' excesses and profit motivated misconduct (Christopher Commission, 1991; Knapp Commission, 1972), most officers do their work without using their hands either to brutalize citizens or to dip into the till. Thus, officers' individual characteristics or life experiences may also distinguish deviant officers from their colleagues, as well as among the types of deviance in which officers participate.

Perhaps because police were so long chosen from a pool of people whose characteristics and backgrounds did not vary much (e.g., McManus, 1969: 74-96), the literature on the relationship of individual characteristics and deviance is somewhat limited. Frequently mentioned in the literature of police behavior generally, however, are such individual variables as gender, race, age, education, intelligence, physical fitness, and length of service.<sup>18</sup> Thus B especially as police agencies have become more diverse over

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<sup>18</sup> An additional relationship that has been discussed in prior literature is that between officers' attitudes toward their work and clientele and their job performance (Friedrich, 1980; Neiderhoffer, 1969; Reiss, 1971; Muir, 1977; Worden, 1989). Because the proposed study is retrospective, it is not possible for us to collect the attitudinal data needed to examine this question. Even absent an empirical test, two propositions seem reasonable: cynical officers are more likely than idealistic officers to become involved in corrupt activities; and officers who have lost faith in the justice system may be prone to engage in punitive on-duty abuse (see, e.g. Klockars, 1980; Skolnick and Fyfe, 1993).

the last 25 years B it may be fruitful to examine the relationships between these variables and officers' misconduct.

Gender and Police Behavior. Aside from occasional arrests of corrupt female officers (e.g., Kappeler, Sluder, and Alpert, 1994: 226), there is little evidence concerning the relationship of officer gender to profit motivated misconduct. Most comparisons of male and female officers have found that male officers are more aggressive enforcers than females (Bloch and Anderson, 1974; Forst, Lucianovic, and Cox, 1977; Melchionne, 1974; Sherman, 1975; Worden, 1989), and that males are more likely than females to use force in the course of their work (Grennan, 1987; Horvath, 1987). Similarly, Waugh, Ede, and Alley (1988) reported that female officers in Queensland, Australia, were less likely than males to be subjects of complaints, but Hickman, Piquero, and Greene (2000) found that women officers in Philadelphia were disciplined slightly less often than their male colleagues. Fyfe, et al., (1998), however, found no differences in the disciplinary experiences of male and female New York City officers.

All this evidence might cause one to suspect that female officers would become involved in misconduct less often than males and that, as the representation of female officers, supervisors, and commanders in a department or unit increased, its culture would become less tolerant of wrongful behavior. Waugh, Ede, and Alley (1988) also reported, however that they women officers were just as unlikely as males to call to official attention misconduct by their colleagues. This latter conclusion appears consistent with one of Felkenes= (1991) key findings. He reported that female officers= adherence to a

Los Angeles Police Department culture that regarded the police as an isolated minority at war with press and public was just as great as that of male officers. Thus, the relationships between gender and misconduct are unclear, as are the nature of the effects upon police culture and tolerance for wrongdoing of the presence of women in officers' ranks.

Race and Police Behavior. Cohen and Chaiken (1972, 1973) found that black New York City officers with high IQs had above average rates of departmental misconduct. Since this finding involves officially reported misconduct, it is possible that these officers were victims of differential rule enforcement. It is also possible that these officers were even more underrepresented than now in relation to the city's African-American population and were assigned to sensitive duties (e.g., vice; narcotics) in which opportunities to engage in misconduct were greater than average. This explanation is race confounded by assignment and rank and gains plausibility given two related findings. Fyfe (1980c) found that black NYPD officers were more likely than whites to use deadly force because of racially differing patterns of assignment, rank, and residence. On average, black officers worked and lived in more dangerous areas than white officers, and they were more often in front line jobs than in supervisory or staff positions. Consequently, they fired their weapons more than their white colleagues.<sup>19</sup> More recently, Fyfe, et al., (1998) reported that black New York officers' disparate rates of disciplinary action also were associated with differential patterns of assignment, rank, and off-duty behavior.

Friedrich (1980) conducted a secondary analysis of observational data gathered by Black and Reiss (1967) in an effort to link individual characteristics of police officers to

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<sup>19</sup> See Geller and Karales, 1981, who reported a similar pattern in Chicago.

behavioral outcomes. Friedrich (1980) found that patrol teams made up of two black officers used force against suspects at more than twice the rate (6.8%) of mixed or white patrol teams in Boston, Chicago, and Washington DC.

All of this evidence suggests that the experience of black personnel is quite different from that of white officers, and is certainly worth exploration in this study.

Age and Police Behavior. For generations, the conventional police wisdom held that younger recruits made better officers. According to O.W. Wilson:

Important advantages are gained by recruiting young men into police service. The older the man, the greater the likelihood that he has experienced failure in some field of activity. Successful police forces cannot be built of men who have been unsuccessful; and who, as a consequence, may have established undesirable patterns of thought and conduct. The older man also is more likely to have skills and experience that may tempt him to leave the police service when conditions of employment in other fields seem more favorable. The man who lacks other skills and who has not experienced service in other activities is more likely to be contented in police service...

...The disadvantages of the immaturity of youth should be discounted. Time and experience quickly correct the immaturity of otherwise well-qualified men. When wisely selected, the young recruit will not be guilty of serious errors of judgment, and proper assignment during the early years of his service will guard against his offending the more critical citizens and protect him from situations where his youth may be an advantage (Wilson, 1963: 138)

According to Leonard and More:

There is strong testimony for fixing the maximum age limit no higher than 25. There is strong evidence indicating candidates between 21 and 25 make the best material for officers. They learn quicker and make better records in the Academy than do officers who are past 25. It is the belief also, that the younger person, after a few years of experience, is a far

better police officer than an older officer with the same amount of experience. Young officers are more readily trained than are men of 30 or over. Furthermore, failure to take police action has been found to be due not so much to lack of maturity as to lack of experience in similar situations (Leonard and More, 1993:456).

The NYPD's internal studies would justify somewhat more cautious recommendations.

In 1994, the department reported that applicants under 22 were less likely than older applicants to be screened out of the candidate pool for "character reasons." Subsequently, however, 20 and 21 year-old officers were disproportionately washed out of the Police Academy; placed on suspension, modified assignment, probation, or in special monitoring programs designed to counsel and provide close supervision of problem officers; dismissed, or arrested. Perhaps, it was reasoned, some young candidates made it through screening simply because they had not yet been adults long enough to demonstrate their unsuitability and that they subsequently did so after they had been hired (O'Sullivan, 1994, sections 1.1, 3.7.4). This finding was consistent with an earlier finding by Cohen and Chaiken (1972, 1973) that younger officers appointed to the NYPD in 1957 were more likely than their peers to have been subjects of citizens' complaints between then and 1968, but Fyfe (1978) and Alpert (1989) reported that age had no effect on officers' use of deadly force in New York and Miami, respectively. Clearly, the data on the issue of age and police behavior are not definitive.

Prior Employment, Life History, and Police Behavior. Cohen and Chaiken's work confirmed the hypothesis that past performance is a good predictor of future performance. They reported that records of dismissal in prior jobs and military discipline were associated

with internal police rules violations (1972, 1973). They also examined other characteristics that one might expect to be associated with performance in policing (e.g., histories of psychological disorders; prior traffic summonses), but found nothing of significance. There is reason to suspect that this latter finding is associated with limited range in the predictor variables used: at that time, applicants whose psychological or driving histories were far enough off the norm to cause concern were routinely dropped from candidate pools (see, e.g., Niederhoffer, 1969:148). More recently, as suggested by the Mollen Commission's (1994:112-115) findings concerning the prevalence of arrest histories among suspended and dismissed officers, the bounds of acceptable behavior among candidates seem to have expanded.

Education and Police Behavior. With a few exceptions (Swanson, 1977), the literature has supported the cause of police higher education. Consistent with earlier findings (e.g., Cohen and Chaiken, 1972, 1973; Bowker, 1980, Kappeler, Sapp, and Carter, 1992) reported that college educated officers received fewer citizen complaints than lesser educated officers. The extent to which this pattern of findings may be confounded by assignment factors, however, is unclear. There is evidence that well-educated officers are likely to be moved out of street assignments and into staff, supervisory, and detective assignments where exposure to complaints is limited. In a 1996 study of a sample (n=258) of NYPD officers appointed during 1988 and 1989, Eterno found that college educated officers, especially those who had participated in a Police Cadet program were more likely than high school educated officers to have advanced to detective or sergeant (see, also, Reuss-Ianni, 1983). There is also evidence in NYPD's experience that it is difficult to distinguish among the effects of entry-level age and

education. NYPD Police Cadets B who then held baccalaureates and usually were 22 years old or more at entry B "average fewer sick days, higher performance evaluation scores, fewer [citizens' complaints], and receive more departmental recognition than non-cadet recruits" (O'Sullivan, 1994, section 1.1).

Still, the evidence of an association between education and success in policing is reasonably consistent. Most recently, Truxillo, Bennett, and Collins (1998:270) used a retrospective longitudinal design in a cohort analysis of 84 police officers over a ten year period in an unnamed municipal police agency. Subjects were administered a written survey instrument, on which they were asked to indicate their level of education, grade point averages, degrees earned, and number of credit hours of criminal justice education (Truxillo et al., 1998). The researchers found that college training was moderately (and significantly) associated with both promotions in rank (average  $r = .31$ ), and supervisory ratings on job knowledge dimensions (average  $r = .25$ ). However, disciplinary problems among officers were not significantly related to either a two year or four year college degree (Truxillo et al., 1998).

Military Service and Police Behavior. It has long been assumed that military service provides both the discipline necessary for success in a police career and an opportunity for police administrators to determine whether candidates for the police service take well to service in uniform. In New York City, this view is reflected in laws and policies that have granted extra credit for military service on police entrance and promotional examinations. Certainly, there is much to be said for such veterans= preference simply on grounds of fairness and desert: veterans= preference is a way of compensating military veterans for their

service to the nation and for removing themselves from civilian labor pools and career tracks during the course of their service. Independent of this issue, however, if the assumption that military service makes for a better police officer is correct, one would expect that military service would be a more frequent life experience among our study's control officers than among its study officers.

Intelligence and Police Behavior. Cohen and Chaiken reported that, like education, officers' scores on standardized IQ tests was associated with advancement through the ranks and with departmental recognition (which may, in part, have been an artifact of the policy of requiring officers to write their own requests for departmental recognition, an activity in which verbally skilled officers presumably have an advantage). To the extent that performance on police entrance examinations may be treated as a surrogate for intelligence, Cohen and Chaiken (1972, 1973) reported that it predicted only performance on subsequent promotional examinations.

Academy and Probationary Performance and Police Behavior. Cohen and Chaiken's (1972, 1973) work suggested that officers' entry level training and probationary experiences were predictors of career success. They reported that officers those who did well in the Police Academy and on probationary evaluations were more likely than their colleagues to have advanced through the ranks and win awards, and were less likely to have engaged in misconduct or to have been disciplined.

Fitness and Police Behavior. Eterno (1993) reported that degree of officers' physical fitness was positively associated with rates of arrest and negatively associated with frequency and duration of sick leave and with the frequency of police motor vehicle accidents and line of

duty injuries. He reports, however, no associations between fitness level and frequency of citizens complaints and departmental discipline.<sup>20</sup>

### Summary

This survey of police misconduct literature B like the findings described later in this report B shows that police have engaged in the same kinds of rule-breaking behavior as private citizens and, in other cases, that their positions of public trust have given them special access to other opportunities for rule-breaking. This survey also suggests the differences between what has traditionally been regarded as police deviance and deviance that happens to be committed by police officers B but it also illustrates the difficulty of drawing a bright line between the two. This section of the report also defines organizational and personal variables that may predict police misconduct and that, therefore, help to focus our analyses.

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<sup>20</sup> Limited range of new officers' degree of fitness apparently is not a factor in this finding. During 1990-93, 9,222 recruit officers were hired by the NYPD; only one washed out for failing to meet physical standards (Eterno, 1993:2).

#### **IV. THE RESEARCH SETTING**

The NYPD is the largest law enforcement agency in the United States and, by any measure, is massive. With a personnel complement that has ranged as high as 41,000 officers (presently about 37,000) in addition to 14,500 civilian employees, the NYPD is more than three times as large as the Chicago Police Department, the nation=s second largest agency. The department was founded in 1845, and is headed by a single police commissioner, who is appointed by the city=s strong mayor.

##### **THE POLICE COMMISSIONER**

The police commissioner, or APC,@ is a civilian appointee of the New York City mayor and is theoretically insulated from electoral politics by five-year terms of office that overlap the four-year mayoral terms. In practice, however, newly elected mayors regard this top police job as a key position in their cabinets, and almost invariably ask incumbent police commissioners to resign so that they may be replaced with persons of the new mayor=s own choosing. Mayoral involvement in day-to-day police operations has varied with the philosophy of individual mayors, with Rudolph Giuliani surely being the most Ahands-on@ mayor in generations, even before the great increase in his national profile following the September 11, 2001 tragedies. Both New York=s mayors and City Council apparently have scrupulously limited their input to what Goldstein (1977) would regard as legitimate political influences on policing, and it has been a half-century or more since New York mayors were

accused of corruptly or otherwise improperly influencing police policy or practice.<sup>21</sup> During the period covered by this study (1975-1996), seven men served as PC.<sup>22</sup> Raymond Kelly, the current PC, is a career NYPD officer who was appointed to the PC=s position in 1992 by Mayor David Dinkins. He then left in 1994, when he was asked to resign by the newly elected mayor, Rudolph Giuliani, who replaced him with William Bratton. Reputedly because Giuliani resented the attention and credit Bratton received when New York=s crime rates subsequently declined dramatically (Bratton, 1998), Bratton resigned and was replaced by Howard Safir, the city=s fire commissioner, a former official of Drug Enforcement Administration and the United States Marshals Service, and a longtime associate of Giuliani. Upon Safir=s resignation, Mayor Giuliani appointed Bernard Kerik, his corrections commissioner, to the PC=s position. Kerik left office at the end of Giuliani=s term, and newly elected Mayor Michael Bloomberg appointed Kelly, who had served as his advisor on police matters and who left a lucrative private security position to resume his former job. During his

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<sup>21</sup> This is not to suggest that mayors have not made serious mistakes related to NYPD policy and practice. In the early 1970s, it was convincingly alleged that Mayor John Lindsay ignored allegations of police corruption made by Frank Serpico and David Durk. He allegedly did so not because he himself was also involved in improper conduct, but because he was anxious to avoid alienating the police during a period of great civil unrest (see Maas, 1973).

<sup>22</sup> Four of the PCs who served during the period of this study (Michael Codd, Benjamin Ward, Richard Condon, and Raymond Kelly) had been career NYPD officers before their appointments. One had extensive police experience in other jurisdictions (Lee Brown, who had been police CEO in Multnomah County, Oregon; Atlanta, and Houston), and subsequently served as the mayor of Houston; and one (William Bratton) had served as chief of the former New York City Transit Police and as police commissioner in Boston, and is now the LAPD=s chief. One (Robert McGuire) had been a prosecutor and successful attorney. Two other high ranking NYPD officials held the PC=s position for a few days, as an honorific at the ends of their predecessors= terms.

hiatus from the PC=s job, Kelly, who holds a master=s degree from Harvard, as well as J.D. and L.L.M. degrees, also served with distinction at the federal level. He oversaw the reorganization of the police service of Haiti, and was both an Undersecretary of the Treasury and the Commissioner of the U.S. Customs Service.

NYPD commissioners are extremely powerful police chief executives, whose policies and philosophies B or the lack thereof B have great effects on the operations of the department. They are free to appoint their top staff, including 14 civilian deputy commissioners,<sup>23</sup> and a raft of civilian assistant commissioners and unit directors. In addition, all NYPD ranks above captain,<sup>24</sup> the top civil service rank, are filled at the discretion of the police commissioner from among officers at the captain rank. This gives the PC enormous influence over more than 800 captains and above, all of whom know that future advancement and even continued incumbency are dependent on remaining in the commissioner=s good graces. Reform commissioners, such as Patrick V. Murphy, who was appointed during the Serpico-era corruption scandals, and William Bratton, who was appointed to lead Mayor Giuliani=s war on crime, have made extensive use of their authority to reshape the agency to their philosophies. Most others have not, and have demoted officers above captain or, more typically, asked for their resignations on threat of demotion, only in cases of serious misconduct or administrative failure. The ability of the current commissioner, Raymond Kelly, to reshape the department=s

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<sup>23</sup> These include the First Deputy Commissioner and the Deputy Commissioners for Administration; Strategic Initiatives; Counter Terrorism; Intelligence; Operations; Public Information; Community Affairs; Labor Relations; Trials; Equal Employment Opportunity; Legal Matters; Management and Budget; and Training.

<sup>24</sup> These include deputy inspector; inspector; deputy chief; assistant chief; chief;

and chief of department.

top rung without acting in a draconian fashion was severely curtailed by the promotion of more than 150 people to ranks above captain during his predecessor=s last several weeks in office.

Unlike many other large police agencies, the NYPD is not subject to a labor arbitration process involving individual cases. Consequently, the only forum available to officers who seek to appeal the PC=s disciplinary actions against them is the civil court. In this setting, the PC=s disciplinary actions, including terminations and dismissals, typically are regarded as matters of administrative discretion, and rarely are overturned.

#### DIVISION OF LABOR IN THE NYPD

Figure IV-1 is the NYPD=s organization chart. Although the department has become more specialized over the last decade B creating new units to deal with specific problems; expanding specialized units B its basic field command structures remain its 76 patrol precincts. The Precincts

With rare exceptions, new NYPD academy graduates are assigned to work in uniformed duty in precincts after the completion of field training. It is the precincts that supply the core police services of preventive patrol and responding to calls. The precincts most frequently portrayed in dramatizations of NYPD work typically are extremely busy units in the parts of the city with which most tourists are familiar and/or which are marked by extremes of poverty and crime.

These precincts represent only a fraction of the city. Especially in the outer boroughs (Brooklyn, the Bronx, Queens, and Staten Island), New York City includes many areas that are much like the residential and small business neighborhoods to be found in any American

city. Because the city does vary so much, however, it cannot be said that the work of all police officers is comparable, in terms of volume, danger, temptation, or virtually any other aspect. Within the NYPD, therefore, the precincts= numerical designators are a form of shorthand that conveys a wealth of information to experienced police officers about a community or a colleague=s assignment. The 111<sup>th</sup> Precinct B *the One-Eleven* B is regarded as a plum patrol assignment by many officers, because the precinct includes relatively prosperous and untroubled communities within easy commuting distance of the Long Island suburbs in which many officers reside. The Four-Four, by contrast, is considered by most officers to be a challenging assignment. Located in the diverse, and largely poor section of the Bronx from which Yankees= owner George Steinbrenner regularly threatens to move his team, it is a place where officers learn their business quickly, and in which violence is no stranger. In 1990, the 44 suffered 89 homicides, while the 111 suffered four; in 2002, following the recent dramatic decreases in New York crime, there were 23 murders and manslaughters in the 44, compared to two in the 111. These figures are reflected in the involuntary separation data we collected; during the years we studied, 24 officers of the 44 Precinct were involuntarily separated from the NYPD, as compared to three from the 111.

It should not be a surprise that officers in some NYPD precincts and units seem to get into trouble more often than those from others. Fyfe (1980b) reported that the risk that police officers would become involved in shootings varied similarly across police precincts, with the greatest shooting frequencies occurring within inner-city precincts like the 44. Similarly, most of the corruption scandals suffered by the NYPD have been centered in inner-city areas. The

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Figure IV-1: New York City Police Department Organization Chart

1970s Knapp Commission scandals had their roots in the South Bronx, where Officer Frank Serpico disclosed corruption among plainclothes officers assigned to vice duty (Maas, 1973). The ABuddy Boys@ scandal of the 1980s (McAlary, 1989) was focused in the Bedford-Stuyvesant area of Brooklyn that serves as the setting for many of Spike Lee=s films, and the more recent Mollen Commission scandals involved officers assigned to ghetto areas in Manhattan, Brooklyn, and the Bronx (Mollen, et al., 1994). In years past, the NYPD used a complicated regression equation, the *Post Hazard Plan*, to deploy officers to the precincts in accord with empirical measures of their workload. (Fyfe, 1981b). The ordered ranking that resulted from this was divided into three slightly uneven segments, to produce three categories of precincts B high experience, medium experience, and low experience B in which officers could work their way into low experience AC@ precincts (such as the 111) or special assignments by successfully serving in high (AA@) and medium (AB@) experience precincts. Over the years, however, the ratings came to be seen as insulting by residents of A precincts which, with the exception of the two precincts in the Times Square area, were all largely inner-city communities. The department itself apparently came to see these ratings as overly rigid, and based too heavily on objective measures (e.g., street crime; calls for service) that gave too little attention to such qualitative factors as community diversity and the tensions that sometimes accompany it.

Hence, the NYPD=s more recent assessment of the relative challenges within its precincts is more readily grasped by who is assigned to command them. At this is writing, eight of the 76 precincts are commanded by inspectors<sup>25</sup> (two steps above captain, one step below deputy chief), and are considered to be the most challenging and sensitive. Beneath them are the 24 that are commanded by deputy inspectors,<sup>26</sup> and the remaining 44 are commanded by captains,<sup>27</sup> the lowest precinct commander rank.

Despite the apparently reduced reliance on crime rates as a method of distinguishing among the precincts, it would be meaningless to classify precincts in ways that do not involve objective differences among types. Figure IV-2 displays some of the demographics for these three precinct types. The figure shows that, on average, Inspector and Deputy Inspector Precincts, which have mean populations of 212,830 and 180,960, respectively, are considerably larger than Captain Precincts (142,770). Even these differences may hide far

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<sup>25</sup>Midtown South and the 34 in Manhattan; the 44 in the Bronx; the 67, 75, 77, and 84 in Brooklyn; the 115 in Queens..

<sup>26</sup>The 9, 13, Midtown North, 19, 23, 26, 28, 30, 32, and 33 in Manhattan; the 46, 47, and 52 in the Bronx; the 66, 69, 70, 72, 79, 83, 88, and 90 in Brooklyn; the 103, 109, and 114 in Queens.

<sup>27</sup>The 1, 5, 6, 7, 10, 17, 20, 22, 24, and 25 in Manhattan; the 40, 41, 42, 43, 45, 48, 49, and 50 in the Bronx; the 60, 61, 62, 63, 68, 71, 73, 76, 78, 81, and 94 in Brooklyn; the 100, 101, 102, 104, 105, 106, 107, 108, 110, 111,112, and 113 in Queens; the 120, 122 and 123, which encompass all of Staten Island.

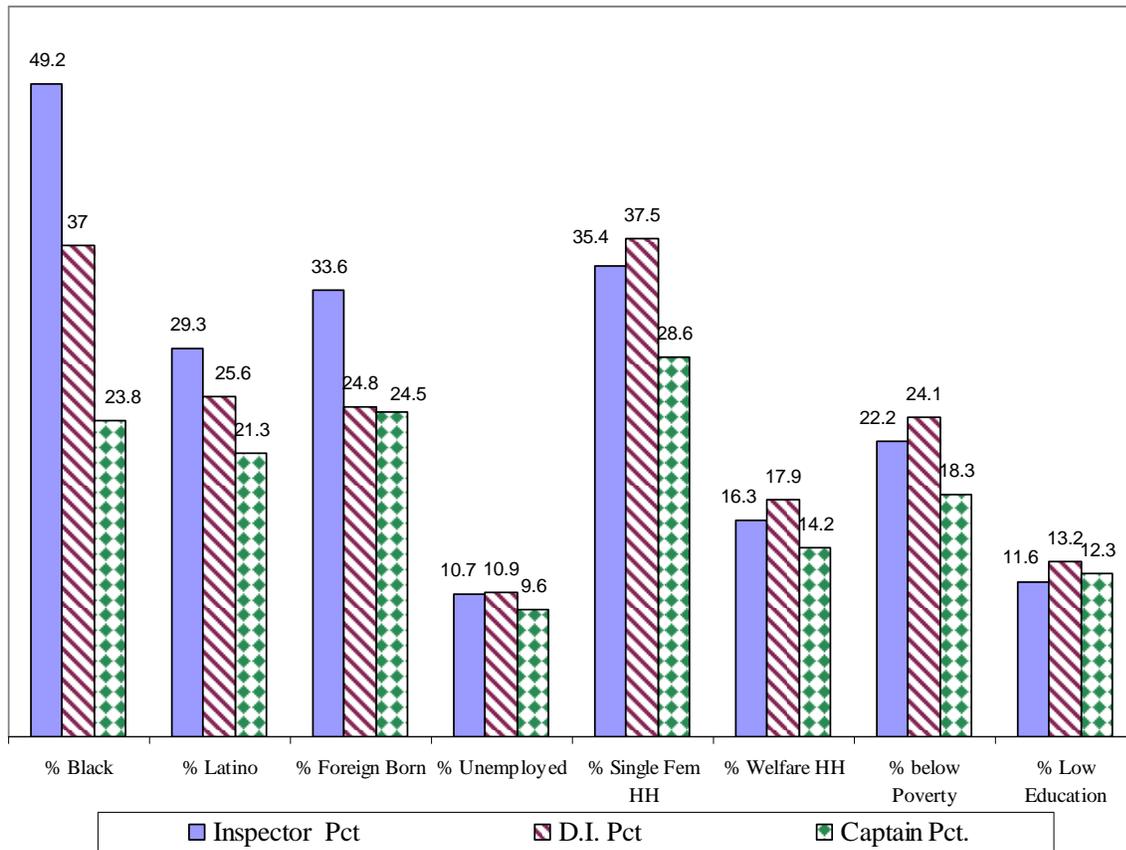
greater discrepancies in actual service populations: several of the Inspector and Deputy Inspector Precincts (Midtown South, Midtown North, the 19 and 84) have very large visitor populations that are not included in the resident population data. In addition, the figure shows that the Inspector and Deputy Inspector Precincts include higher percentages of populations who are poor; on welfare; living in single parent female headed households; or are foreign born or Latino or black. Clearly, as one would expect in New York City, there is a great range of diversity within the precincts and among these three types.

Although it has long been argued that police should be representative of the communities they serve (Myrdal, 1944; Landrum, 1947; President=s Commission, 1967; National Advisory Commission, 1968; Alex, 1969; Commission on Accreditation, 1994: Ch. 31), the NYPD is forbidden from making assignments to precincts or other departmental units the basis of race or other demographic variables.<sup>28</sup> Thus, even though a look at the officers who appear at roll calls suggests that there is a relationship between the characteristics of precinct populations and those who police precincts, data on officers= race and assignment are not available.

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<sup>28</sup> Indeed, the City recently lost a civil suit brought by a group of African-American officers who argued that their transfers to the 70<sup>th</sup> Precinct following the assault upon Abner Louima in the precinct=s bathroom were racially discriminatory.

**Figure IV-2: Characteristics of New York City Precincts**



### Other Departmental Units

Although patrol typically is described as the backbone or eyes and ears of policing, it is the department=s entry level, and has historically been the assignment that many officers have sought to leave (see, for example, Neiderhoffer, 1969). As Figure IV-1 suggests, the rest of the NYPD includes hundreds of line and staff units that vary dramatically in their missions and in the dangers, both physical and ethical, that they present to their personnel. To make sense of them in the context of this work, we employed in some of our analyses a command typology that was used by Fyfe (1981b) in analyses of shooting rates by officers in different assignments. It is as follows:

*Inspector Precincts:* All precincts designated for command by inspectors.

*Deputy Inspector Precincts:* All precincts designated for command by deputy inspectors.

*Captain Precincts:* All precincts designated for command by captains.<sup>29</sup>

*Police Academy/Field Training Units:* Includes the Recruit Training School and the units to which officers are assigned for field training at the end of their academy studies.

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<sup>29</sup> The senior officer subjects of our study were appointed in 1946, and the junior officers were appointed in 1996. During those 50 years, the NYPD closed precincts to which some of the officers in our study had been assigned at various times during their careers. In such cases, we classified these precincts on the basis of the current classifications of the precincts into which they were merged. Most of the territory covered by the old 16<sup>th</sup> Precinct, for example, is now a part of Midtown North, a Deputy Inspector Precinct. Thus, for our purposes, the Old 16<sup>th</sup> is also a Deputy Inspector Precinct.

*Proactive Investigative Units:* Includes the Narcotics Division and the Street Crime Unit (ASCU@) and its various predecessors (e.g., City-Wide Anti-Crime Section). These are plainclothes units that, in Fyfe=s (1981b) work, were found to have the NYPD=s highest shooting rates. Unlike other units that typically investigate crimes after the fact, these units engage in undercover activities designed to flush out criminal behavior (e.g., by attempting to arrange drug buys or sales; by using decoy techniques) or to survey suspicious persons and high crime areas in hopes that they will encounter crime as it occurs. The spontaneous, low visibility nature of their work historically has produced large numbers of arrests, relatively high levels of violence and, at least in the case of narcotics enforcement, a disproportionate amount of profit-motivated misconduct.

*Detective Bureau/Warrants Squads:* Includes detective units charged with investigating crimes that have already occurred and/or with apprehending persons who are wanted on arrest warrants. This reactive work typically lends itself to greater planning than is possible where proactive work is concerned. Despite the glamorous image of television and movie detectives, it also involves relatively low levels of violence.

*Organized Crime Control Bureau Units other than Narcotics:* Since the 1970s, the NYPD=s Narcotics Division has been a part of the agency=s Organized Crime Control Bureau (AOCCB@), which has also included such units as the Social Club Task Force; the Auto Crime Division (which focuses on stolen car rings and Achop shops@); The Money Laundering Unit; the Public Morals Division (which enforces laws related to

gambling, prostitution, and alcohol; as well as participants in joint federal/state/local organized crime task forces. The work of OCCB=s narcotics units, however, has historically been distinguishable from that of these other units in terms of both volatility and exposure to opportunities for corruption. No police work is without peril, but public morals work in New York typically involves planned encounters with people who are unlikely to fiercely resist the police because their offenses (e.g., gambling; serving liquor after hours) do not carry the severe penalties associated with drug or violent crime. Further, although OCCB work other than narcotics enforcement historically has been a source of profit-motivated misconduct, over the last generation the department has restructured it in ways that minimize the opportunity for corruption.<sup>30</sup> The nature of narcotics enforcement, however, virtually dictates that officers work in corruption-prone, low visibility, settings. It also involves encounters

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<sup>30</sup> Until the early 1990s Mollen Commission scandals, units charged with enforcing gambling laws have been the focus of virtually all of the NYPD=s major corruption scandals over the last 110 years. After the 1970s Knapp Commission scandals, however, the department instituted a series of reforms that took away most, or all, of gambling enforcement officers= discretion. Instead of working as independent agents with the authority to seek out offenders on their own and to arrest or not arrest at their own discretion, gambling enforcement officers were assigned into teams that, under close supervision, generally conduct investigations only when citizens complain. With these new limits went most of the opportunities to extort or accept bribes from gambling operators. This same strategy was applied to street-level drug enforcement (see Murphy and Plate, 1978). Over the years, however, this proved to encourage open-air drug dealing by offenders who had come to learn that former Abuy and bust@ operations had given way to lengthy investigations of persons higher up in the drug traffic, leaving them effectively immune from arrest. By the late 1980s, Abuy and bust@ narcotics work returned to New York City and is once again a major enforcement tactic (Bratton, 1998).

with offenders who sometimes possess large amounts of money or fortunes in their merchandise.

*Special Patrol Units:* Includes all uniformed units other than precincts. These include Housing and Transit Bureaus, traffic units, Highway Patrol, various task forces, and the Emergency Service, Aviation, and Harbor units.

*Staff:* Includes all non-field units. Headquarters units, the Police Academy, crime laboratory, booking facilities all are included here.

### The Internal Affairs Bureau

One staff unit is worthy of special note here, and should be taken into account in any attempts to generalize from the findings in this study to the experiences of other agencies. NYPD's Internal Affairs Bureau (IAB) is itself larger than most U.S. police departments. In 2000, IAB processed 25,091 Alogs@ or complaints, 1,203 of which involved allegations that, if sustained, could result in criminal charges or dismissal (NYPD/IAB, 2001:4, 20). As the Knapp Commission (1972) suggested, however, limiting internal investigations to inquiries into alleged misconduct that has already occurred greatly limits the effectiveness of police integrity control efforts. Hence, the commission recommended that the NYPD adopt more pro-active strategies and tactics that, like traditional police undercover operations, would create the circumstances in which potential or suspected offenders would be given opportunities to engage in corruption. IAB has embraced this recommendation with vigor, and today engages in a variety of techniques and strategies for preventing and detecting misconduct that are not practiced in other agencies. These should be taken into account in any attempts to generalize from the findings of this study to the experiences of other agencies.

### Intelligence Section.

According to IAB:

The Intelligence Section of Internal Affairs is one of the primary means for obtaining intelligence on corruption and misconduct, and assisting field investigators with their cases. Its three components are: the **Voluntary Assistance Unit**, which gathers information from both uniformed and civilian members of the service; the **Field Operative Program**, which relies on cooperation from tenured members of the service; and the **Liaison Unit**, which foster a strong relationship between the Internal Affairs Bureau and federal, state, and local law enforcement agencies (NYPD/IAB, 2001:4; emphasis in original).

Perhaps the most interesting and controversial of these three operations is the Field Operative Program. This involves officers and other personnel who are assigned to departmental units but who, unknown to their colleagues, surreptitiously report to IAB on serious misconduct and on conditions that are conducive to corruption.

Integrity Tests. Following traffic enforcement corruption scandals in the 1950s, members of the NYPD's internal affairs units intermittently were assigned to drive civilian autos and to violate traffic laws in the presence of officers suspected of extorting traffic offenders. This limited operation has since evolved into an extensive program of integrity testing. @ IAB notes:

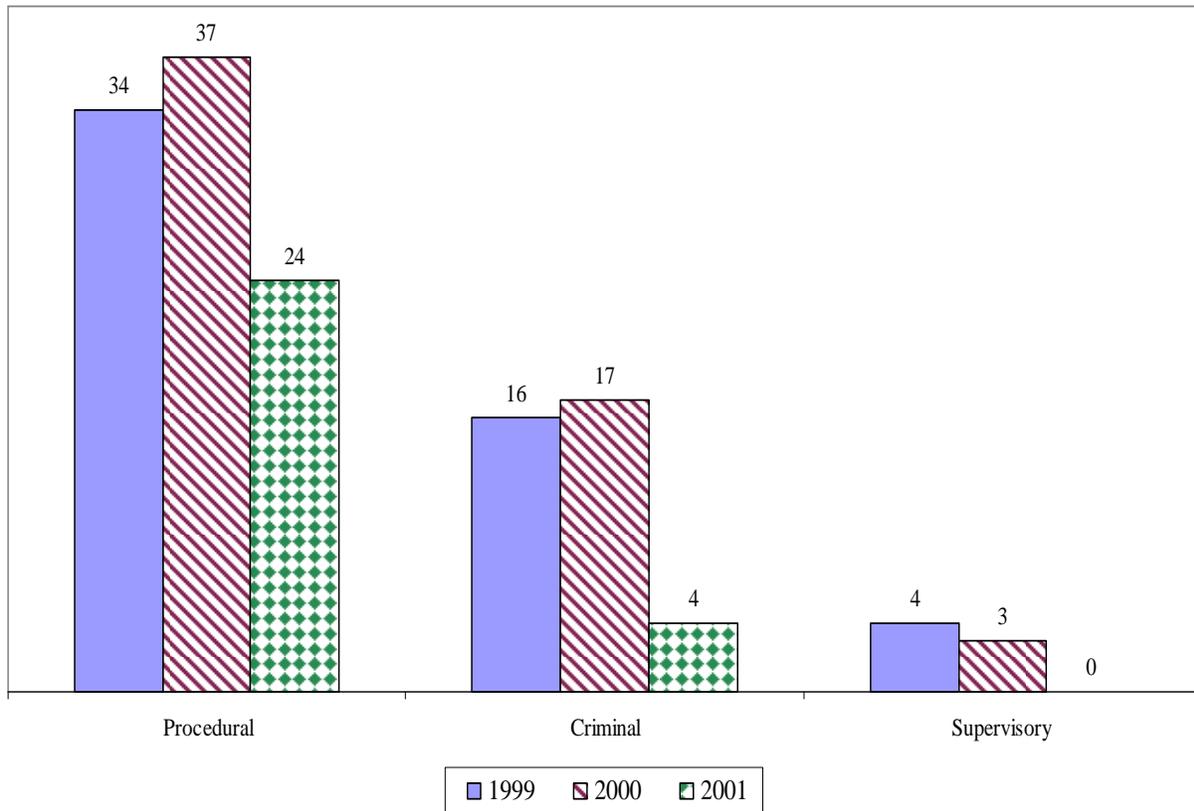
An integrity test is an artificial situation created by investigators to present an opportunity for a reaction by the subject member(s) of the service. During the test, the subject is given the opportunity to perform or fail to perform in a manner consistent with legal and Department guidelines. Such tests may be conducted randomly in response to a pattern of

allegations, or targeted toward a specific investigation (New York City Police Department, Internal Affairs Bureau, 2001:15).

An elaborate recent IAB integrity test involved a foot patrol officer. IAB received information from several sources that the officer was extorting money from numbers runners and other street-level gamblers. IAB then assigned two of its investigators to pose as undercover OCCB officers. These two approached the officer on his post and showed him a picture of a man they claimed was a big gambling operator who picked up money from local establishments that quartered illegal gambling (the photo actually depicted another IAB investigator). They asked if the officer had seen the man and, of course, he had not. Periodically thereafter, the IAB investigators stopped by, and inquired of whether the officer had seen the man in the photo. After several such encounters, the investigators arranged a bogus arrest. They emerged from a local store pulling their handcuffed, shouting, and fiercely resisting suspect behind them. The patrol officer approached, and offered to help. The investigators gave him the keys to the suspect's car and asked him to drive the car to the stationhouse while they transported their prisoner there. The officer agreed but, instead of driving to the station, made a stop on a quiet street. There, the video cameras that had been hidden throughout the car caught him searching it and pocketing the large amounts of marked money that had been planted in it by IAB.

IAB conducts hundreds of integrity tests annually. IAB classifies the results of these tests into four types. *Passes* are those in which test subjects perform as required by law and department regulations. *Procedural failures* are those in which officers or other employees are found to disobey department rules by, for example, treating citizens inappropriately. *Criminal failures* are those in which, like the officer in the example above, employees take wrongful advantage of opportunities to commit crimes. *Supervisory failures* are those in which commanders or supervisors fail in their responsibilities by, for example, discouraging or turning away citizens (actually IAB officers) who wish to lodge complaints against officers or to complain about police service. Figure IV-3 presents the number and type of integrity test failures during 1999 through 2001.

**Figure IV-3: Integrity Test Failures, 1999-2001**



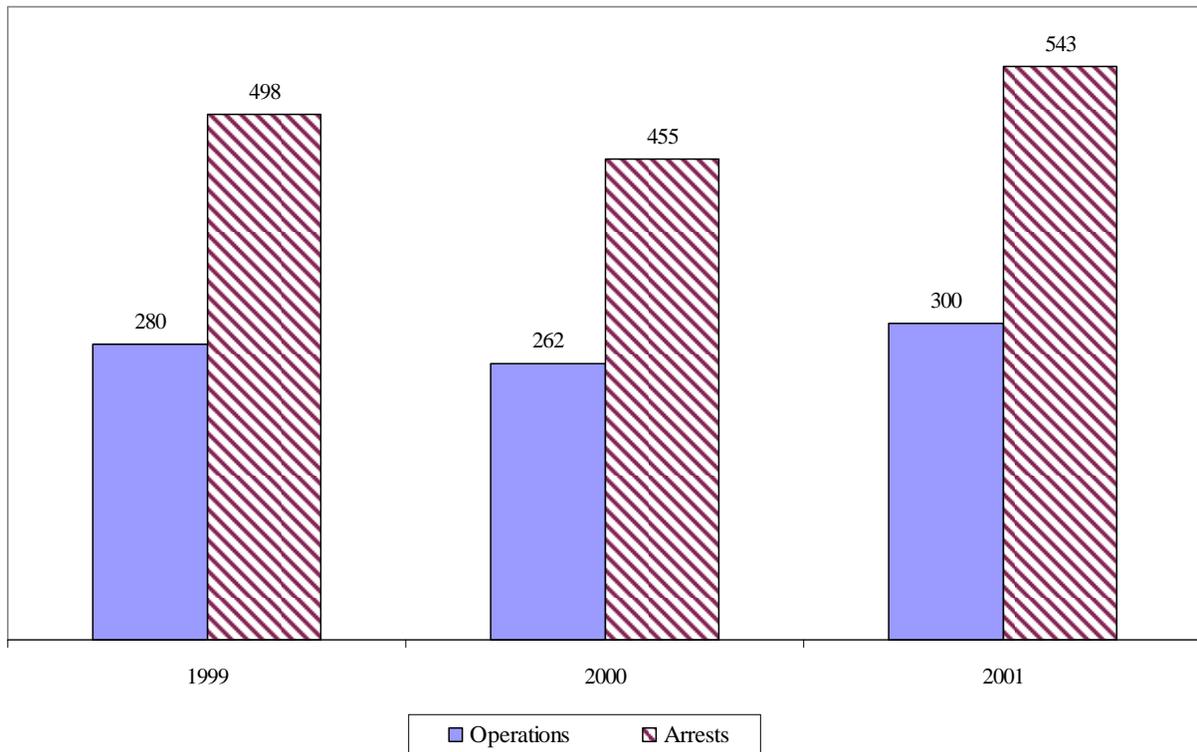
*Source:* New York City Police Department, Internal Affairs Bureau, *Annual Report for Year 2000* (NYPD:2001, 15); *Annual Report for Year 2001* (NYPD:2002, 5).

EDIT Program. The EDIT Program (Enforcement, Debriefing, Intelligence, and Testing) is an operation in which IAB conducts its own enforcement operations, debrief[s] arrestees, and gain[s] valuable intelligence in those areas that have traditionally been corruption prone (NYPD/IAB, 2001). Often, this occurs after patterns of allegations are identified,<sup>31</sup> and/or involves arrests of people who are believed to be involved in corrupt relations with police officers. After their arrests, these individuals are debriefed with an eye toward turning them on corrupt officers (e.g., gaining their cooperation in building cases against corrupt officers in return for promises of leniency). Figure IV-4 shows that, in 1999, IAB conducted 280 EDIT operations involving 498 arrests; in 2000, EDIT=s 262 operations resulted in 455 arrests; in 2001, EDIT conducted 300 operations with 543 arrests. Thus, IAB probably is one of the few such units that makes cases against citizens, as well as police. Certainly, it has been a major source of the disciplinary actions that resulted in the involuntary separations studied in this report.

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<sup>31</sup> IAB used COMPSTAT=s computerized geographic information system methodologies to identify such patterns.

**Figure IV-4: Edit Programs, 1999-2001**



*Source: New York City Police Department, Internal Affairs Bureau, Annual Report for Year 2000 (NYPD:2001, 16): Annual Report for Year 2001 (NYPD:2002, 6).*

## THE NYPD=S DISCIPLINARY SYSTEM

This study does not describe the totality of the NYPD's disciplinary mechanisms. Instead, it focuses upon separation from the service, the last stop in the department's elaborate processes for assuring discipline. *Discipline* may be defined as the art and science of gaining and maintaining compliance with official prescriptions. In the NYPD and other police agencies, this purpose is served through:

- recruitment;
- selection;
- training and probationary screening;
- socialization and maintenance of an organizational culture supportive of adherence to the NYPD's policies, practices, rules, and procedures;
- supervision and performance evaluation;
- career development programs;
- employee counseling and assistance; and, lastly
- punishment, including separation.

The punishments that may be administered to NYPD officers range from verbal reprimands through suspensions and lost vacation days to involuntary separation. Because of the interactions and interdependence of these processes, the frequency and nature of punishment are affected by changes in earlier disciplinary mechanisms. These have varied and evolved over time, often in ways that are hard to quantify. Consequently, some temporal

variation in disciplinary practices should also be expected. In addition, the NYPD includes two tiers of punitive discipline: *command discipline* and formal *charges and specifications*.

### Command Discipline

Command discipline is a semi-formal, non-judicial, system designed to help commanding officers correct minor deficiencies and correct employees' behavior without blemishing their records with the permanent stigma that may attach to charges and specifications. The command discipline system has roots in the early 1970s recognition that supervisors were reluctant to take punitive disciplinary action against officers because formal charges B then the only available variety B permanently blotted officers= records for even the most minor misconduct. Given the choice between doing nothing about minor misconduct and permanently marking an officer=s record with a complaint B which virtually guaranteed permanent relegation to patrol duty and exclusion from any specialized assignments B most supervisors and commanders chose to do nothing. Thus, because the system was so draconian, it usually was not used.

The command discipline system is highly decentralized, and allows local commanders to punish officers for specified acts of minor misconduct that carry penalties of no more than ten days loss of pay (e.g., tardiness; negligent vehicle accidents or loss of department property; absence from assignment; wearing an improper uniform or equipment). Following informal interviews with the uniformed or civilian employees involved, commanders decide upon and impose penalties, which officers and civilian employees may decline. When they do so, their cases go for formal proceedings at the department=s Trial Room.

In 1995, in conjunction with attempts to decentralize disciplinary authority and to enhance local commanders' accountability, the NYPD made more categories of misconduct subject to command discipline (e.g., loss of shield, failure to safeguard a prisoner) and the maximum penalty applicable under command discipline was increased from loss of five days vacation to ten. Dismissible offenses are not subject to command discipline, so that this system does not account for any of the involuntary separations in this study.

### Charges and Specifications

More serious and/or chronic violations, as well as refusals or appeals of command discipline findings or penalties,<sup>32</sup> are the province of the NYPD's formal disciplinary system, which is where most of the officers we studied were found guilty of the offenses that led to their separations.<sup>33</sup> Much like a military court martial system, this process includes administrative proceedings that commence with the service upon an employee of formal charges and specifications. Like criminal or civil actions, department charges are open to negotiation from both parties, which may obviate the need for administrative hearings.

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<sup>32</sup> Employees are also free to bypass command discipline altogether and to insist instead on the filing of formal charges and specifications and resolution of the matter via formal administrative hearing.

<sup>33</sup> Exceptions include wrongdoing by probationary officers, where the Police Commissioner has great discretion. Although some lesser cases against probationers do result in Trial Room proceedings, serious wrongdoing by probationers typically results in summary termination by the commissioner's fiat. In addition, many of the officers we studied resigned or retired rather than face dismissible charges or were allowed to do so in return for their cooperation in testifying against other officers, or as part of negotiated case dispositions.

The Department Advocate generally prosecutes these cases on behalf of the NYPD.<sup>34</sup>

The Advocate's position is an attorney's assignment, and has been held by both uniformed officers and civilian employees. Since 1995, all supervisors have been required to consult with attorneys assigned to the Department Advocate's Office and receive their approval before charges may be filed. In much the same way that assistant district attorneys consult with arresting officers, the Advocate's staff is charged to confirm that a sufficient legal basis exists for each charge and that all appropriate investigative steps have been completed. The Department Advocate may decide not to proceed with charges and specifications, recommending instead either command discipline or no charges at all.

Trial Room proceedings are open to the public, and follow rules of evidence and procedure that differ from those found in criminal or civil courts, mainly because they allow the admission of hearsay evidence. Department trials are heard by the Deputy Commissioner, Trials (an attorney) or one of his Assistant Deputy Commissioners (also attorneys). Accused employees are permitted counsel, and usually have attorneys provided by their labor

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<sup>34</sup> There are two exceptions to this general pattern. Extremely serious cases (e.g., those also involving criminal proceedings) often are handled by a Department Special Prosecutor rather than the Department Advocate (see NYPD, 1996). In addition, cases substantiated by the Civilian Complaint Review Board and preferred against members in the rank of police officer are resolved before the Office of Administrative Trials and Hearings (OATH), a city agency independent of both the Personnel and Police Departments.

organizations. Cross-examination is permitted, and all proceedings are stenographically recorded. The Trial Commissioner then presents a written report and recommendation to the Police Commissioner, who renders the final decision, both as to the finding of fact and, when guilty verdicts result, the penalty. There is no arbitration system for police administrative disciplinary actions in New York, so that appeals must be to the courts. Although we made no attempt to search systematically for the results of any such appeals, both general experience and our data collection efforts suggest that reversals of NYPD dismissals and terminations are rare.

## **V. THE NYPD, 1975-1996**<sup>35</sup>

Any 20-year slice of the NYPD=s history is packed with noteworthy events. The period we studied began at the tail end of an era of great turmoil in the NYPD. During 1971-1973, several officers were assassinated by the radical Black Liberation Army, who engaged in 20 or more exchanges of gunfire with NYPD officers (See Daley, 1973; Fyfe, 1978). At the same time, the corruption scandals of the early 1970s were being closed out with the criminal and administrative trials of many of the officers who had been implicated in the investigations of the Knapp Commission and of the Special Investigations Unit of the NYPD=s Narcotics Division. The period studied ended immediately after the Mollen corruption scandals, amid accusations that the department=s aggressive law enforcement tactics were encouraging officers to excesses.

### **THE KNAPP ERA**

Prior to and during the Knapp/SIU era, it is fair to say, the department=s level of integrity was highly questionable, and corruption was highly organized. The Knapp Commission=s final report indicates that:

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<sup>35</sup> This historical section of this report is generally based on Bolz and Hershey, 1979; Bouza, 1990; Daley, 1973, 1978; Knapp Commission, 1972; Droge, 1973; Fogelson, 1977; Fyfe, 1978; Gelb, 1983; Hamilton, 1975; Johnson, 1981; Lardner, 1996; Lardner and Reppetto, 2000; McAlary, 1989; McNamara, 1967; Melchionne, 1974; Murphy, 1977; Murphy and Caplan, 1991; Murphy and Plate, 1977; NYPD Academy, 1972, 1974; Reppetto, 1978; Reuss-Ianni, 1983; Schechter and Phillips, 1973; Schlossberg and Freeman, 1974; Sherman, 1978; Walker, 1977, 1993; and on the experiences and communications of the senior author.

We found corruption to be widespread. It took various forms depending upon the activity involved, appearing at its most sophisticated among plainclothesmen assigned to enforcing gambling laws. In the five plainclothes divisions where our investigations were concentrated we found a strikingly standardized pattern of corruption. Plainclothesmen, participating in what is known in police parlance as a *Apad*, collected regular bi-weekly or monthly payments amounting to as much as \$3,500 from each of the gambling establishments in the area under their jurisdiction, and divided the take in equal shares. The monthly share per man (called the *Anut*) ranged from \$300 and \$400 in midtown Manhattan to \$1,500 in Harlem.<sup>36</sup> When supervisors were involved they received a share and a half. A newly assigned plainclothesman was not entitled to his share for about two months, while he was checked out for reliability, but the earnings lost by the delay were made up to him in the form of two months' severance pay when he left the division (Knapp Commission, 1972:1).

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Corruption in narcotics enforcement lacked the organization of the gambling pads, but individual payments known as scores were commonly received and could be staggering in amount...the largest narcotics payoff uncovered in our investigation having been \$80,000.

Corruption among detectives assigned to general investigative duties also took the form of shakedown of individual targets of opportunity. Although these scores were not in the huge amounts found in narcotics, they not infrequently came to several thousand dollars.

Uniformed patrolmen assigned to street duties were not found to receive money on nearly so grand or organized a scale, but the large number of small payments they received present an equally serious if less dramatic problem. Uniformed patrolmen, particularly those assigned to radio patrol cars, participated in gambling pads more modest in size than those received by plainclothes units and received regular payments from construction sites, bars, grocery stores and other business establishments (Knapp Commission, 1972:2).

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<sup>36</sup> By way of comparison, a police officer's salary at the time of the Knapp Commission was about \$1,000 per month.

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Of course, not all policemen are corrupt. If we are to exclude such petty infractions as free meals, an appreciable number do not engage in any corrupt activities. Yet, with extremely rare exceptions, even those who themselves engage in no corrupt activities are involved in corruption in the sense that they take no steps to prevent what they know or suspect to be going on about them (Knapp Commission, 1972:3)

These stinging revelations and the efforts of Patrick V. Murphy, the reform police commissioner of the time, produced major changes in the NYPD during the years immediately prior to 1975. The former Plainclothes Division, the gambling enforcement unit cited by the Knapp Commission, was abolished. The Organized Crime Control Bureau was created, with responsibility for gambling, prostitution, and alcohol enforcement, and for narcotics enforcement, as well. The discretion of both narcotics and vice officers was greatly limited by a general prohibition on self-initiated enforcement action. Uniformed officers were relieved of responsibility for enforcing construction codes, liquor laws, sabbath laws (which required most businesses to remain closed on Sundays), and most narcotics laws, all of which had been identified by the Knapp Commission as sources of corruption. The Street Crime Unit, a proactive unit that sought out violent crime, was created and proved extremely effective. Its officers comprised one percent of the department's personnel and made 16 percent of its violent crime arrests, impressing the United States Department of Justice enough to be designated an Exemplary Project (Abt, 1973).

For the first time in memory, police supervisors and commanders were held closely accountable for the behavior of their personnel. Commanders were required to identify corruption hazards in their precincts and units, and to develop *integrity plans* to keep their

officers in check. Commanders whose officers were implicated in scandal were transferred to dead-end jobs, demoted, and otherwise pressured to retire.<sup>37</sup> Internal affairs was greatly enhanced in both size and responsibility. Its proactive efforts, including the field operative program, were put in place. The command discipline system was created, marking the first time that supervisors and commanders could discipline officers without imposing the harsh penalties and career-long stigma associated with Trial Room proceedings. In addition, in response to a Knapp recommendation, Governor Nelson Rockefeller appointed a special prosecutor, charged only with investigating and prosecuting corruption in the New York City criminal justice system.

After a two-and-a-half-year freeze, the department began hiring vigorously in 1973,<sup>38</sup> enlisting more than 6,200 new officers in 23 months. These first *post-Knapp* recruits differed in several ways from those who had gone before. Previously, the department had two titles for those who entered the department: patrolman and police woman. Patrolmen did the uniformed cops= job, but police women were not assigned to patrol duties, and were hired in very small

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<sup>37</sup> Murphy introduced an Aup or out@ policy, which presumed that 20 percent of those at the rank of captain and above would be promoted or retired every year (see Murphy and Plate, 1978).

<sup>38</sup> During 1971 and 1972, the department hired as police officers only police trainees (young men who held clerical police positions and who were appointed as police officers when they turned 21 years old) and returning military veterans who were in the service when they became eligible for police employment during earlier years.

numbers to do specialized investigative work, matron duty, and service as youth officers. This changed with the equal opportunity legislation and litigation of the early 1970s when, for the first time, the department hired men and women on an equal basis as *police officers*. The first substantial numbers of female officers entered the department at this time.

They entered to a new training curriculum, revised in accord with the recommendations of a 1969 Law Enforcement Assistance Administration study (McManus, et al., 1969). The training was far more rigorous than had been true in the past and, for the first time, served as a part of the agency=s screening process. Prior to this time, appointment to the department was a *de facto* lifetime sinecure, and probationary officers were terminated only for the most serious misconduct. In some post-Knapp classes, however, recruit attrition was as high as 20 percent, with recruits washing out because of failures in academic, physical, or firearms and tactics training. Others were terminated as a result of poor performance in the new three-month field training program that followed upon academic training. The New York State Board of Regents evaluated the recruit curriculum as the equivalent of 35 undergraduate semester hours. Firearms training changed its focus. Where it had formerly emphasized accuracy in long distance single action shooting B which had virtually nothing to do with the reality of New York City police work B it was now based on systematic analysis of shooting incidents. Thus, it came to stress tactics designed to help officers avoid shootings, and to help them survive the quick, close range encounters they could not avoid. This training, combined with the issuance of the department=s first restrictive shooting policy in 1972, significantly reduced both police shootings and police injuries and fatalities.

The department developed a *career path*, designed to make eligibility for desirable and specialized assignments contingent on successful prior service in high activity AA@ precincts.

This reduced the influence of the *hook system*, under which those who had connections to highly placed police or governmental officials had historically been awarded the most desirable assignments. The department introduced a performance evaluation system and an early warning system designed to identify and counsel officers whose histories suggested that they were violence prone. For the first time, it allowed officers to take educational leaves of absence.

In addition to its firearms policy, the department issued a restrictive policy on vehicle pursuits. Following the hostage situation depicted in the film *A Dog Day Afternoon*@ and the hostage taking and murders at the 1972 Munich Olympics, a veteran lieutenant, Frank Bolz, and Harvey Schlossberg, a detective with a Ph.D. in clinical psychology, were assigned to develop plans for police response to hostage and barricade situations. They came up with the protocols that have since been adopted around the world.<sup>39</sup>

This great emphasis on professionalism changed the culture of the department dramatically. Elizabeth Reuss-Ianni (1983) studied the department, and concluded that its former monolithic cop culture had split into two. The first, the *street cop culture*, adhered to the old values of loyalty to one=s peers and unit, and was what remained of the department=s pre-Knapp world view. The second, the *management cop culture*, was dedicated to

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<sup>39</sup> These protocols have been modified by the events of September 11, 2002, which taught the painful lesson that submitting to hostage takers might no longer be the best method of assuring survival.

professional and objective standards of performance, and was practiced by the upward mobile young supervisors and commanders who populated headquarters and who emulated Murphy=s example. This split produced a clash in which street-level officers came to see themselves not as part of the single entity that had existed prior to Knapp, but as an embattled minority that was besieged not only by critics outside the department, but by their own bosses, as well.

Thus, when the first officers in our study were being forced out of the NYPD, the department was coming out of one of the most tumultuous periods in its history. It had been engaged in a street war with the Black Liberation Army, which ambushed and killed four of its officers and wounded several others. It had been through two major scandals, for which many of its officers still faced criminal and administrative trials; it had hired its first women patrol officers; and had seen major internal reforms at virtually every operational and support level. Then, in 1975, New York City went broke.

#### 1975: THE FISCAL CRISIS

On June 30, 1975, after months of negotiating and begging for funds, New York City laid off its junior 5,000 police officers, virtually all of the post-Knapp cohort in whom it had invested so heavily. A few days later, the city announced that it had discovered the money to rehire 2,000 of the officers, and it did so. The remaining 3,000 officers were offered opportunities to be rehired in small groups over the next four years. Many came back, but many others chose police careers elsewhere, or elected to permanently pursue other lines of work.

The fiscal crisis and the layoffs had profound effects on the NYPD. During the months that preceded the layoffs, the city and its police union had engaged in a series of

negotiations in which it became apparent that the city was not operating in complete good faith. In April 1975, the city announced that it would be forced by financial necessity to cut 300 officers. This group was identified, brought to the Police Academy on the appointed day, and relieved of guns, shields, identification cards, and department manuals. Late in the day, the mayor and the union president appeared on stage to announce that a last minute deal had been struck: if the members of the Patrolman=s Benevolent Association would agree in a ballot to work ten extra days without compensation over the coming year, the city would somehow save enough money to avoid the layoffs.

This was obvious farce. Had police officers given up compensation for regularly scheduled working days, the city would have saved ten days pay per officer, arguably allowing it to set aside the funds to salvage the junior officers= jobs. That, however, did not happen. Instead, the city agreed to a scheme that actually cost it more money: salaries and benefits aside, putting 20,000 or more officers on duty for ten additional days is a great expense, in terms of wear and tear on cars and other equipment, fuel, supervisory costs, overtime that might be incurred as a result of arrest made on extra shifts, and increased exposure to injury, disability, and other forms of liability. Nonetheless, the PBA=s members voted to save their junior colleagues= jobs by agreeing to what they universally regarded as a face saving sham.

Two months later, however, came the 5,000 layoffs, reduced a few days later to 3,000 by another sudden financial discovery. Prior to these layoffs, the PBA declined to take any preventive action on grounds that the city had already broken faith with it. Worse, the city insisted that the April *ten-days-for-free* arrangement was part of a separate deal, and went to

court to compel the officers to stick to their end of that earlier bargain. The city prevailed and, almost immediately, mean sick leave time for officers (who enjoy unlimited sick leave) increased from 10 days annually to 18 days. The PBA argued that this increase was due to the stresses of the increased workload imposed upon officers who now had to pick up on the hard work formerly performed by their most junior colleagues. The administration of the police department saw it, probably more accurately, as officers' way of getting back their ten free days.

The schisms this caused were deep and lasted for many years. The *cop culture* cited by Reuss-Ianni took hold and strengthened, comprised of officers who were convinced beyond a shadow of a doubt that the city and the department had exploited them. Older officers were angered, and resentful of their junior colleagues, for the ten extra days they had to work and because many were transferred out of desirable jobs they believed they had earned, in order to fill in on the departed rookies' beats. Many of the laid-off officers, including perhaps, many with the most solid credentials and greatest career options, departed, never to return.<sup>40</sup> At the same time, many of the managerial ranks' brightest stars left to become chiefs of police in other jurisdictions around the country (e.g., Baltimore County; San Jose; Minneapolis; Pontiac; Seattle; Kenosha; Racine) or to join the federal service.

The last recruit class hired prior to the layoffs entered the department in November 1974. During the next five years, as Figure IV-5 shows, the NYPD did not hire a single

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<sup>40</sup> Fyfe has run into laid-off officers who went on to police careers in Arizona, California, Colorado, Florida, Kentucky, Maryland, New Jersey, Texas, Virginia, and Washington DC.

officer. During those years, it also lost the services of virtually every female officer hired after

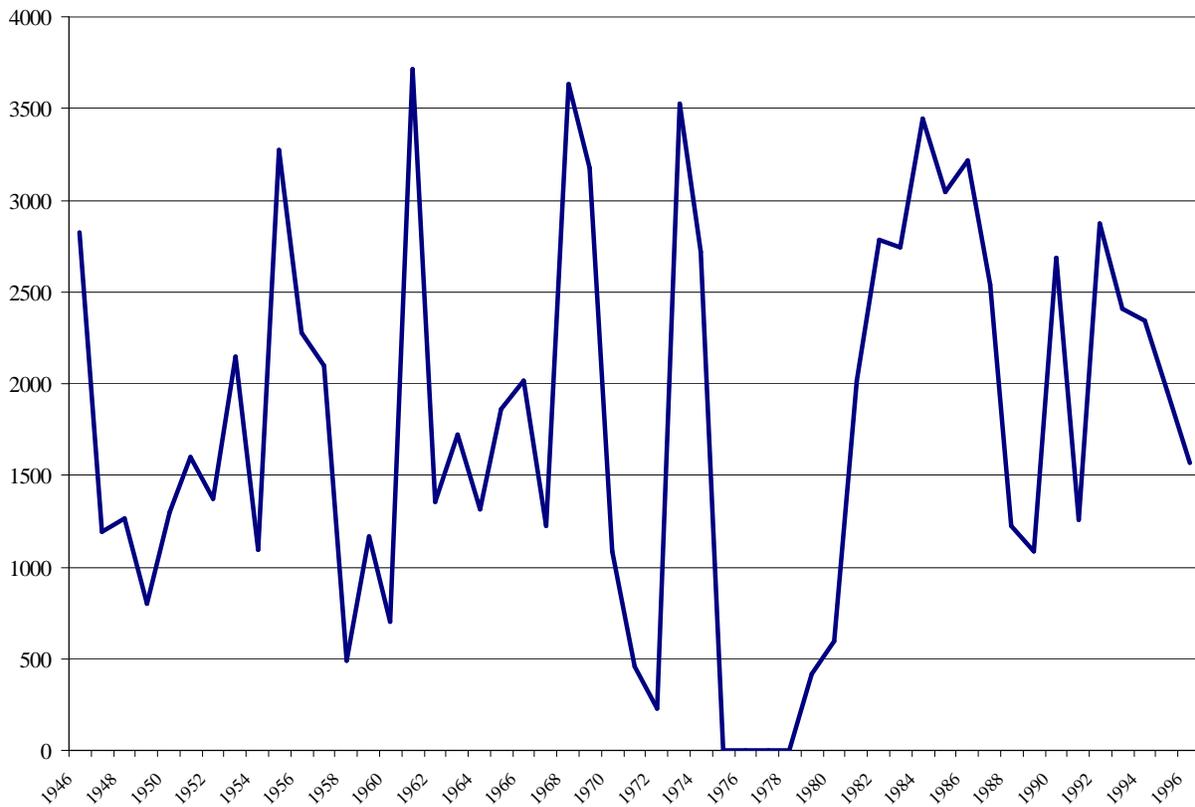
the court and legislative mandated that women be hired on an equal basis with men; more than a quarter B 28 percent B of the 3,000 laid-off officers were women.<sup>41</sup> When the Department recommenced hiring, however, it did so with vigor. Between November 1979, when the first post-crisis class was hired, and the end of 1989, the NYPD hired 23,110 new officers.

The layoffs had two great effects on police operations. First, they significantly reduced the number of officers available for street patrols. Figure IV-6 shows that the number of officers and supervisors assigned to patrol precincts declined significantly after June 30, 1975, the day of the layoffs. On that date, 17,541 sworn personnel were assigned to the precincts; on June 30, 1977, that figure was nearly 20 percent lower (14,135; data not available for June 30, 1976). It continued to decline until it reached its nadir in 1981 (11,453), and returned to its former level only 20 years later, in 1994 (17,711).

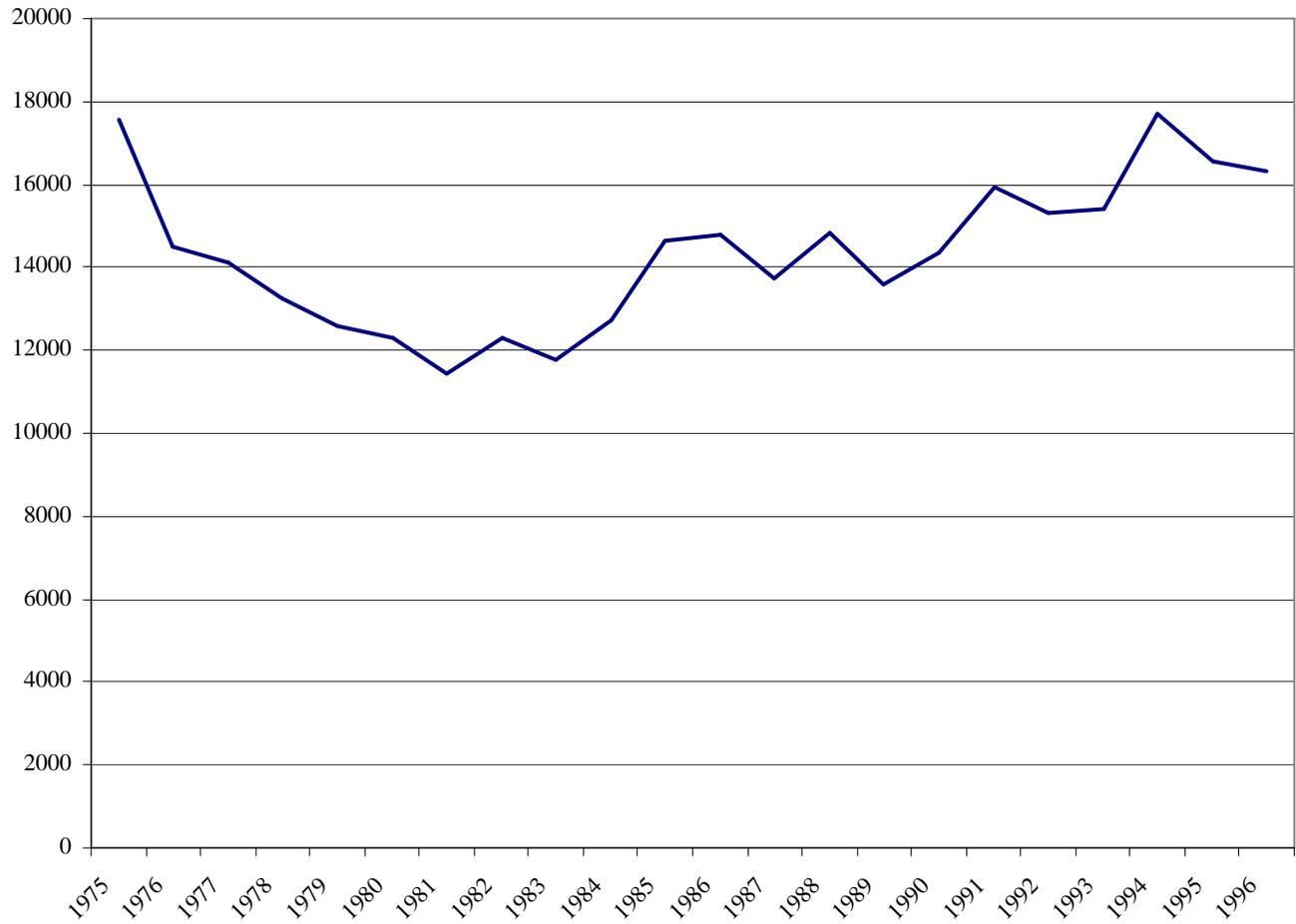
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<sup>41</sup> At one point during this period, NYPD detectives needed a young female officer to serve as a decoy in a plan to arrest a dentist who reportedly molested young women patients while they were under anaesthesia. The department could not identify a single suitable officer in its ranks, and the detectives were obliged to arrange a personnel loan from the neighboring Yonkers Police Department.

**Figure V-1: Police Officer Appointments to the NYPD, 1946-1996**



**Figure V-2: Precinct Officers and Supervisors, 1975-1996**



Second, it made police officers far less expendable than they had been in the department=s halcyon days. Like a financially strapped university department head who understood that she would lose a faculty line if she denied tenure to a marginal candidate, the NYPD=s administration understood that separated officers would not be replaced. This may have had implications for the department=s tolerance of misbehavior during those years.

### THE 1980s

The 1980s were a period of rebuilding and growth for the NYPD. Hiring and promotions proceeded apace. In 1983, the NYPD was the subject of a Congressional investigation of allegations of brutality in the department. This preceded the appointment of Benjamin Ward, the department=s first African-American commissioner, but produced little in terms of discipline. Ward himself, however, was quite a disciplinarian. In 1985, a small group of his officers was discovered used electronic stunguns to torture arrestees. The officers were prosecuted, and Ward relieved from duty the entire supervisory and management staffs of the precinct, division, and borough, as well as the NYPD=s Chief of Patrol. Also in 1985, 13 officers from Brooklyn=s 77<sup>th</sup> Precinct were criminally charged with stealing and trafficking in drugs. This was a sign that, while the Knapp Commission and the reforms that followed may have interrupted the widespread corruption related to gambling, there might still exist pockets of organized corruption that were involved in the far more lucrative and, in the traditional police view, far more venal drug trade.

### Drug Testing

Again, in 1985, the NYPD initiated the first in a series of steps that have resulted in one of the most comprehensive police drug testing programs in our experience. Positive

findings on drug tests result in mandatory charges and specifications, and ultimately in separation from the department. The *for cause* segment of this *Dole Test* program charged supervisors and commanders with responsibility for referring to testing officers and employees when their behavior or the circumstances created reason to believe they were abusing controlled substances. In addition, the department then began to test all applicants and probationary police officers for evidence of drug use as part of the pre-employment screening process, during training at the police academy, and just prior to the expiration of officers' probationary periods.

The drug testing protocols have become increasingly more stringent over the last 18 years. In 1986, the NYPD began testing employees who were starting sensitive specialized assignments, such as the Detective Bureau, the Internal Affairs Bureau, the Organized Crime Control Bureau (OCCB), the Special Operations Division (including the Harbor, Aviation, and Emergency Service Units), and the Highway Unit. In 1989, the department introduced drug testing of *all* in-service personnel assigned to the OCCB, and began randomly testing ten percent of the sworn staff of all other department units annually. In 1992, the department doubled the size of this random sample to 20 percent. In 1993, it began to require that all candidates for promotion to sergeant undergo drug testing; in 1996, this requirement was extended to lieutenant candidates, and, in 1997, to captain candidates.<sup>42</sup> There is no doubt that drug testing has greatly and directly influenced involuntary separation rates in the NYPD.

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<sup>42</sup> The department's drug testing programs appear to be administered fairly and very difficult to subvert. In related research (Fyfe, et al., 1998), we tested several propositions about both random and for cause testing. First, we found that the annual random samples of drug test subjects were just so, annually producing a 20 percent slice of the NYPD that almost precisely matched the department's demographics in terms of

### The Buddy Boys

The 77<sup>th</sup> Precinct encompasses a part of Brooklyn=s Bedford-Stuyvesant section and, in the late 1980s, was found to be home to what Sherman (1974) would call a police *rotten pocket*: a group of officers working together in a corrupt enterprise. The Buddy Boys= central character was Officer Henry Winter, a fast-talking, platinum blond young man who had grown up in New York City=s Long Island suburbs. Winter, who was assigned to steady midnight to eight tours of duty in uniform, apparently began his career in deviance by meting out street justice to those he believed were likely to be inadequately punished by the criminal justice system, in the forms of beatings. Eventually, this treatment included burning drug suspects= money or forcing them to flush it down the toilet. Having built a reputation among his colleagues for these gaudily improper tactics, Winter soon recruited some into the same lines of business and, in short order, his Buddy Boys (which group, in fact, included at least one female officer) expanded their activities to theft, robbery, bribery, extortion, drug dealing, and drug abuse. In time, other police arrested a drug dealer who claimed that he had been buying protection from 77<sup>th</sup> Precinct officers. The then-Internal Affairs Division proceeded to

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rank, gender, and ethnicity. Second, we devised and conducted a test of allegations that the *for cause* system was administered in a gender and race biased way. If, as had been asserted, women and minorities were sent for drug testing on a lesser evidentiary standard than was true for white men, one would expect that the percentage of false positives B for cause tests with negative results B would be higher among women and minorities than among white men. Our analysis, however, found the reverse to be true: the percentage of false positives was higher in tests of white men than in tests of any other group, and lowest in tests of black and hispanic officers. The tests appear hard to subvert because subjects are given no notice of when they will occur. Instead, at ransom and unannounced times when they arrive at work to begin their tours of duty, employees are directed to report immediately to the drug test site (in Queens) to be tested in a closely supervised setting. Refusal to do so results in immediate suspension and the beginning of dismissal proceedings; positive findings carry the same consequence.

videotape Winter and another receiving payoffs from the dealer. IAD then *turned* Winter and his partner, equipping them with wire recorders as they collected evidence against 36 other officers from the 77. Thirteen officers were indicted, one of whom committed suicide rather than surrender to authorities, and 23 were subjected to internal disciplinary procedures (McAlary, 1989).

The Buddy Boys scandal differed substantially from most prior corruption scandals in New York City. The *Harry Gross* scandals of the 1950s had involved widespread corruption among Brooklyn gambling enforcement officers who accepted bribes in order to allow Gross to operate (Lardner and Reppetto, 2000). Although the *Knapp/Serpico* scandals eventually exposed widespread, but relatively low-level, corruption among uniformed officers, it had its roots in long-suppressed revelations that gambling enforcement officers received regular monthly payments from the illegal gambling operators they allowed to flourish. The 1970s Special Investigations Unit scandals exposed theft, robbery, and drug trafficking by members of the NYPD=s most elite drug enforcement unit (Daley, 1978; Lardner and Reppetto, 2000). The Buddy Boys were a dramatic step from these prior experiences. While many police distinguished *dirty money* from the *clean money* offered by gamblers who sought only to be left alone to ply their trades, only the SIU scandal had previously involved any organized drug corruption or other dirty money taken B by bribery, extortion, theft, or robbery B from people who were, in effect, sticking needles into the arms of the city=s young people. But even the SIU scandal was not a clear precedent for the Buddy Boys because it involved an elite, highly specialized, citywide unit, rather than a group of uniformed patrol officers assigned to a single geographic area; the Buddy Boys were local cops on the beat rather than investigative stars.

## THE 1990s

The Buddy Boys may have been the first in a series of episodes that have since become unfortunately common-place in urban U.S. policing: a small band of officers assigned to some locally-based special duty (in their case, steady night duty) who, usually led by some charismatic deviant, systematically brutalize, rob, and traffic in drugs. In the 1990s, a similar pattern emerged, and was investigated by both the NYPD (Kelly, 1992) and the independent Mollen Commission (1994). Arrests were made by police in Long Island=s Suffolk County showed that a group of Brooklyn officers, apparently led by Officer Michael Dowd, another charismatic suburbanite, engaged in brutality, robbery, theft, drug trafficking and abuse, and the use of their police authority to drive off rivals of the dealers who employed them (Kelly, 1992; McAlary, 1994; Mollen, 1993). Nearly simultaneously, a group of officers in Harlem=s 30<sup>th</sup> Precinct B *Nannery=s Raiders* B were discovered in the same sorts of activities, this time under the leadership of their sergeant. An additional group, the *Morgue Boys*, was found in Brooklyn=s 75th precinct, as were several officers from the 46<sup>th</sup> Precinct in the Bronx (Mollen Commission, 1994).

Similar things were happening in other cities. In Philadelphia, the 39<sup>th</sup> District scandal involved that patrol district=s *Five-Squad*, a small group of officers who reported directly to the district=s commander and who acted as his task force for local problems. As was true in the case of Dowd and company, the wrongdoing of these officers became public when their activities spilled across the city line into the jurisdiction of a neighboring police department. Led by Officer Jack Baird, another substance abusing, fast-talking platinum blond from an outlying area of his city, this group of eight or more officers robbed, stole, dealt drugs, and

brought tainted prosecutions against at least 160 citizens (Fazlollah, 1996, 1997; Kramer, 1997; McDougall, 1997). After Los Angeles Officer Rafael Perez, a Philadelphia native, was caught stealing cocaine, he exposed a similar scandal among his colleagues in the Rampart Division's CRASH Unit (Community Resources against Street Hoodlums), the LAPD's analogue to Philadelphia's Five-Squad (Los Angeles Police Department, 2000). At this writing, a year-long criminal trial against three Oakland officers known as *The Riders* has ended in a hung jury, and is about to begin again. Led by Officer Francisco Vazquez, a fourth, veteran officer who is now a fugitive, The Riders were patrol officers who worked late nights in Oakland's western section, and who allegedly beat and framed citizens on phony criminal charges. Exposed by a rookie officer assigned to them for training, The Riders were sued by 102 plaintiffs in 13 separate actions, recently settled by the City of Oakland for \$10.9 million, and face a myriad of criminal charges, none of which involve any apparent money-corruption (Anderson 2004; Chapman, 2002; Counts and Chapman, 2002; Payton, 2003).

#### 1990s Changes in the NYPD

The revelations of the early 1990s produced some major changes in the NYPD's provisions for holding officers and commanders accountable for proper behavior. The former division of responsibilities between the central Internal Affairs Division and local Field Internal Affairs Units had left many cases, including the Dowd matter, to slip between the cracks, and was eliminated. Instead, a new and unified Internal Affairs Bureau was formed, and engaged in more aggressive and proactive investigations than had been true in the past. The *field associate* program, which had been created in the 1970s and used officers and other employees to systematically and anonymously report to Internal Affairs on misconduct in their

commands, had long lain fallow, and was reinvigorated. A hotline available for employees to make anonymous reports of misconduct was adopted, and the department began to scrutinize systematically officers' records in search of cues that they might be bound for trouble. The department examined the records of officers implicated in Mollen-era misconduct, and found that most fell into three categories when hired: they were less than 22 years old; they had little or no education beyond the minimum high school equivalency diploma; and they had not served in the military. As a result, the entrance standards were changed to require a minimum age of 22 and a minimum of two years of college or two years of military service.

## **VI. RESEARCH METHODS**

Our review of the police literature and of the experiences of New York City and its police led us to generate several research questions for investigation. We refined these questions and methods of addressing them in discussions with three focus groups selected from within the department, and in meetings with departmental officials and two separate advisory committees. The data we collected for this study are purely archival, and are drawn from the manual and electronic files of the NYPD. They include extensive information about the pre-employment and career histories of all officers involuntarily separated from the NYPD (*Astudy officers@*) for reasons of misconduct (excluding failures in the recruit academy or on other non-behavioral probationary screening steps), and on a same-sized randomly selected sample of the involuntarily separated officers= Police Academy classmates (*Acomparisons@*). Differences between study officers and comparisons in the distribution of variables under examination served as tests of the hypotheses we had generated.

We chose this study/control method for the simplest of reasons. The basis of social science is comparison, and the most ready way to determine whether involuntary separated officers had unique characteristics or experiences was to compare their characteristics and experiences to those of officers who were not involuntarily separated.

### **IDENTIFYING THE INVOLUNTARILY SEPARATED**

As indicated earlier, involuntary separation from the NYPD may take one of several forms. *Dismissals* are the firings of tenured employees who have completed their probationary periods, and who, except when convicted of certain crimes, enjoy great due process benefits. Conviction of any felony or any of several misdemeanors involving Amoral

turpitude@ (generally, larcenies or such vice crimes as sex or drug offenses) is grounds for dismissal and, in such cases, all the Police Commissioner must do to rid the agency of such employees is to provide them with written notice that they have been fired on grounds of discretion..<sup>43</sup> In other cases, the department must file formal charge and specifications against officers. These are tried before an administrative judge (the Deputy Police Commissioner for Trials), with prosecution brought by the Department Advocate or a designated lawyer from the Advocate=s staff, in the Trial Room, a courtroom much like the setting of a military court martial. These proceedings include the right of cross-examination and the right to present a defense case with counsel, and are recorded. The high visibility of this process, and the subsequent publication of all dismissals in Personnel Orders meant that identifying the dismissed officers in our study was a relatively straightforward proposition.

Personnel Orders also publish notices of the *terminations* of probationary employees. Because New York=s civil service laws grant agency heads great discretion where probationers

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<sup>43</sup> It is because such a conviction results authorizes automatic dismissal that the NYPD typically holds its administrative actions in abeyance pending the result of any criminal charges against officers. Thus, an officer who is charged with, say, felonious assault for an alleged on-duty act of brutality typically will be suspended without pay for 30 days (the maximum period allowable) before assignment to some non-street duty. If convicted of the criminal charges involved, such an officer would then be likely to simply be fired without a departmental proceeding.

wish include simple training failures in our study, we were required to locate and review the files on all terminated probationers in order to determine whether to include them as separations for misconduct or to omit them from the study.

As indicated earlier, a more substantial problem involved attempts to identify officers who had resigned or retired rather than face trial for departmental charges likely to result in dismissal and/or as part of negotiations (usually in return for cooperation against other officers) that would save them the stigma of dismissal. We questioned internal affairs and Trial Room personnel for their recollections of any such cases, and reviewed carefully the folders of all officers whose resignation notices gave any indication that they had been in trouble when they left the department. One indicator was whether officers *resigned with the permission of the police commissioner*, the NYPD=s term of art for departures in good standing. We pulled and reviewed any file that indicated that officers had resigned without the commissioner=s permission, and wound up including most such cases in our files. Some few involved officers who simply stopped coming to work and who, when asked for an explanation, indicated that they no longer wished to be in the department=s employ. Another indicator was whether officers were the only resignations included on particular Personnel Orders. Resignations of young officers, especially, seemed to come in bunches, as they left the NYPD to join recruit classes in the New York City Fire Department or in other police or government agencies. In the end, we almost certainly missed some small number of forced resignations and retirements, but do not believe that these are sufficient in number to have had any meaningful effects on our results.

## ADVISORY COMMITTEES

We assembled two advisory committees. The first included four individuals who had enormous combined experience performing and studying police work. They are:

- *Walter Connery*, an attorney. Mr. Connery was a career New York City police officer, who held a variety of patrol, investigative, command, and training positions. He left the department as a deputy inspector, and had served as the Department Advocate, the NYPD's prosecutor in internal disciplinary actions. In this position, he was responsible for many of the proceedings against officers whose misconduct had been exposed in the *Knapp* and *French Connection* scandals. Subsequently, he headed the Office of Professional Responsibility in the Immigration and Naturalization Service, as well as the INS's New York criminal investigation unit.
- *Henry DeGeneste*, Vice President for International Security of Prudential-Bache. Mr. DeGeneste worked his way through the ranks to become chief of the Port of New York and New Jersey Authority Police, and served on the Commission on Accreditation for Law Enforcement Agencies. He has published extensively on policing transportation facilities and services, and has been a faculty member at John Jay College of Criminal Justice.
- *Michael Julian*, then the Vice President and General Manager of Madison Square Garden. Mr. Julian, an attorney, worked his way through the ranks of the New York City Police Department to become its three-star Chief of

Personnel, and has also served as director of security and human resources director of Rockefeller Center.

- *Jerome Skolnick*, a professor at New York University School of Law and an internationally known police scholar. Dr. Skolnick has served on the faculties of the University of Chicago, Yale University, the University of California at San Diego, and as Director of the Center for the Study of Jurisprudence at the University of California, Berkeley, School of Law Boalt Hall. He has published extensively and is a former president of the American Society of Criminology.<sup>44</sup>

We met with this committee to describe our project and to solicit their suggestions and criticisms of our draft research questions, instruments, and analytic plan. They provided us with excellent guidance and strengthened this report significantly.

A second advisory committee included scholars:

- *Michael Maxfield*, a professor at Rutgers University's School of Criminal Justice. Dr. Maxfield is an internationally known research methodologist and scholar of the police, and has also served on the faculties of Indiana University and the State University of New York at Albany.

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<sup>44</sup> Attorney Richard Koehler, another former NYPD Chief of Personnel and ex-New York City Corrections Commissioner, also served on this committee briefly, but had to leave the advisory committee because of a conflict of interest.

- *Joan McCord*, a professor of criminal justice research at Temple University who was internationally known for her longitudinal studies of crime and violence, who had also served as president of the American Society of Criminology. Professor McCord died in early 2004<sup>45</sup>

This committee helped us to design our data collection instruments and to refine our research design. They also served as valued consultants whenever we needed advice on methodological issues.

### FOCUS GROUPS

The NYPD helped us to assemble three focus groups. One consisted of eight patrol officers, one from each of the NYPD=s Patrol Borough commands.<sup>46</sup> The second and third included, respectively, eight patrol sergeants and eight captains who served as precinct commanders, again one from each patrol borough. We advised these three groups of the nature of our project, and sought their input on integrity problems and other causes of career failure with the department.

The perceptions of the focus groups suggested that the NYPD had changed significantly since the 1960s and 1970s, when Fyfe worked on patrol. In that earlier era, corrupt officers had little to fear from their colleagues. Although relatively few officers then

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<sup>45</sup> Jeffrey Fagan, a professor at Columbia University=s Mailman School of Public Health, also served briefly on this committee, but had to leave it because of a conflict of interest.

<sup>46</sup> The Patrol Boroughs are Manhattan South, Manhattan North, Bronx, Brooklyn South, Brooklyn North, Queens South, Queens North, and Staten Island.

were actively involved in significant corruption,<sup>47</sup> the prevailing organizational norm forbade honest officers from *giving up another cop* by calling to the attention of higher authority the improper activities of corrupt officers. Indeed, this norm was so strong at the time that it extended to the department=s top levels, as witness the several years it took Frank Serpico and David Durk to get any high official to pay heed to their warnings of corruption in the ranks (Lardner, 1996; Maas, 1973). To a person, however, our focus groups insisted that corrupt officers would quickly be given up by one or more of their colleagues, usually via anonymous communications with the Internal Affairs Bureau.

The focus groups were less sanguine where abusive police conduct was concerned. The patrol officers indicated that the prevailing view in all their precincts was that what officers did to persons they had arrested was their own business, and that it was likely that officers who witnessed, for example, backroom police brutality, would neither intervene to stop it nor report it afterwards. Both the precinct commanders and the sergeants confirmed this norm, indicating that it was a major problem for supervisors, commanders, and the department=s administration. As it turned out, our focus groups were prescient: our officers met on a Tuesday; our sergeants met on Wednesday; our captains met on Thursday. On Friday of that same week, one or more Brooklyn officers used a wooden stick to sodomize Abner Louima in their precinct=s restroom. These officers were caught only when Internal Affairs received tips from non-police personnel who had learned of the nature of Mr. Louima=s injuries, and it is clear from the conflicting police accounts that some officers= stories are

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<sup>47</sup> Low-level corruption (free meals, discounted services, and gratuities at

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Christmas from local merchants) was far more widespread.

inaccurate. The Louima incident produced several major changes in policy and procedure. In addition, because it involved brutality far in excess of anything anticipated in our focus group discussions (which revolved around more traditional forms of abuse, such as the punch in the nose or ribs), it has illustrated the danger of tolerating minor excesses. Our subsequent conversations with department personnel suggest that this awareness has permeated informal norms, as well. At the line level, officers tell us that the Louima incident put an end to, or greatly weakened, the solidarity and silence that previously had characterized police officers' culture. This is an assertion that might be taken with a grain of salt if it came only from the line officers, but it is reinforced by IAB's belief that more than half of the calls that come into their anonymous reporting system originate from the subject officers' colleagues.<sup>48</sup>

There was also consensus among the groups, including the officers, that local delegates of the Patrolmen's Benevolent Association often were elected by officers from among the most outspoken and militant of their colleagues. The groups agreed also that the efforts of these delegates had greatly diminished the department's ability to effectively discipline officers. Finally, the groups all argued that the NYPD's entrance standards have varied wildly over the years, and that some entering cohorts had been inadequately screened and trained. Consequently, all three groups suggested, many officers from these cohorts have become chronic disciplinary problems.

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<sup>48</sup> This belief is based on IAB's determination that more than half of these calls report information that could be known only to officers' colleagues.

## ASSEMBLING THE DATA

The NYPD does not maintain a single file that could serve as the central source of all the data we needed for our study. Throughout his service as a member of the department, Fyfe had heard rumors that the NYPD maintained a large police blotter-style book in which each new officer was assigned a page as he or she entered the department. Then, it had been claimed by senior officers, every significant event in an officer's career was recorded in this book. If this were true, of course, it would have greatly eased our data collection task.

### The Book

We attempted to verify rumors of this APolice Commissioner's Ledger@ with the NYPD's key headquarters and personnel staff. Several senior members indicated that, like Fyfe, they had heard that such a history existed, but that they had never seen it or any corroboration of its existence. Thus, after tracking this rumor as far as reasonable, we wrote it off as yet another apocryphal locker room tale, and devoted our energies to collecting data from sources that we knew did exist.

As it turned out, we gave up too soon. Late in our data collection efforts, we filled in some gaps in our data by searching through the NYPD's old records storage facility, the musty former headquarters of a wine importer, located on an out of the way dock in Brooklyn.

Rummaging through boxes of documents, we came upon a wall of the ledgers which, like traditional police blotters, were written in usually elegant hand on heavy lined paper in beautifully bound volumes about two feet high. Beginning with officers who entered the department in June 1940 (when AArticle 2," the New York law that has since governed police pension arrangements, was enacted), the book (by now, many volumes) devotes a page, in

employee number order, to every NYPD officer's career; the data for officers whose careers could not be described on a single page are continued onto pages indicated later in the back pages of each volume.

Entries in the book scan officers' entire careers, and obviously have been made contemporaneous with the events described. Thus, notations on each page might have been made over periods of more than 40 years. The book includes information on new officers' residence, physical descriptions, and backgrounds (in some cases, including photographs); assignments; transfers; injuries; leaves; detailed information on departmental recognition,<sup>49</sup> complaints, and disciplinary actions; changes in residence and marital status; and performance on promotional examinations. By pulling the appropriate volume from the shelves, Fyfe was able to quickly examine his own career history, as well as that of his entry-level cohort: as far as could be determined, nothing was inaccurate or missing. The book appears to have been maintained until the late 1980s or early 1990s and includes data on about 60,000 officers. It is doubtful that there exists anywhere in the country such a trove of information about police officers and their careers. Unfortunately, it was found too late to be of much use in this research and, in any event, was not in use for the last several years encompassed by the careers of the officers we studied.

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<sup>49</sup> Departmental recognition is the NYPD's term for citations for outstanding acts or service. The NYPD has an elaborate recognition system that ranges through several grades of award that are displayed by small enameled breastbars of varying colors and designs worn above officers' badges, or Ashields.

## Personnel Records Unit

We did make extensive use of the files of the NYPD=s Personnel Records Unit. PRU maintains a file for each active member of the department and, during the period of our data collection, on all officers who left the department after 1994.<sup>50</sup> The most substantial part of this is the *PA-15*, a lengthy application and information form completed by candidates for the police job and used as the basis for pre-employment investigations. The *PA-15* has changed slightly from time to time over the years encompassed by this study, but we used it to develop the front end of the scannable data collection instruments for study and comparison officers included at the end of this report as as Appendices A and B. PRU=s files also contain officers= annual job performance evaluations; reports of disciplinary actions against officers; information concerning changes in the marital status, educational achievement, assignments, sick leave, injuries, and various other noteworthy events (e.g., commendatory letters; departmental recognition; serious vehicle accidents; reports of line of duty injuries). Also included for periods covered by the study are records of the officers= performance during recruit training.

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<sup>50</sup> The NYPD=s Old Records Unit in Greenpoint, Brooklyn, maintained PRU records of officers separated from the NYPD prior to 1990; the New York City Archives, a short walk from police headquarters, maintained records on officers separated during 1990-94. All were readily accessible to our staff.

### Personnel Orders Section

In addition to data from the PRU, we retrieved data from the NYPD=s Personnel Orders Section. These included records of all transfers, assignments and, where relevant, the manner in which officers had left the department (e.g., resigned with permission; dismissed, etc.).

### Central Personnel Index

We also checked each study and comparison officer in the NYPD=s Central Personnel Index. CPI is a computerized database that records and classifies all Acritical events@ in officers= careers, including complaints, Adepartmental recognition,@ designations as Achronically sick,@ and Aunfit for duty.@<sup>51</sup>

### Other Units

We also received some data from the NYPD=s Management Information Systems Division. MISD generally was a failsafe for instances in which data were not readily available from our primary sources. Similarly, the Internal Affairs Bureau and the Department Advocate, the prosecutor in serious internal disciplinary actions, were valuable secondary sources of data.

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<sup>51</sup> NYPD officers enjoy unlimited sick and injury leave. AChronic sick@ is a designation applied to suspected malingerers after repeated short periods of sick leave. AUnfit for Duty@ is a formal determination made by the NYPD=s physicians that, by reason of intoxication, an officer is not capable of performing his or ger duties. This is a rare determination but, since officers are required by the department=s rules to be fit for duty at all times, it can occur whether an officer is on-duty or off-duty. Usually, it occurs when departmental surgeons are summoned by officials to police precinct houses to assist in investigation of such events as officers= domestic disputes.

One data element we would have liked to have included for analysis was the results of psychological testing and interviews conducted by the NYPD=s Psychological Services Unit.<sup>52</sup> We requested this information, but received our only denial of access, on grounds that it raised unresolved issues of doctor-client confidentiality. Our suspicion, however, is that these data would not have added much to our findings. The department apparently places enough credence in its psychological screening procedures so that those who pass through them and eventually enter the department include only a relatively small range of scores.

#### Data Collection

With the assistance of staff of the Personnel Bureau, the Employee Management Division, and the Deputy Commissioner for Legal Matters, we assembled a data collection staff of more than 30 NYPD personnel. They were taken on to the project as part-time employees, and were involved in the development and refinement of the data collection instruments. A handbook was prepared to assist them in their task and, with a short training course, they set to working reviewing the original data sources and coding the data. Jones, Kane, and Tillman supervised the coding process, and conducted reliability cross-checks on randomly selected instruments with satisfactory results. After coding was complete, Jones conducted additional reliability tests to assure data accuracy. To resolve ambiguities in the

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<sup>52</sup> In addition to interviews, the NYPD administers the Minnesota Multiphasic Personality Inventory to all candidates and, at various times, has also employed other psychological instruments on its screening procedures.

data, we occasionally consulted with sources in the Internal Affairs Bureau and the Department Advocate's Office.

### ANALYZING THE DATA

The data were analyzed using the Windows version of the Statistical Package for the Social Sciences. Most of our analyses consisted of testing hypotheses by comparing variation between the study and comparison groups on variables under examination. Although our study group is a population rather than a sample (the comparison group is a sample), we determined that, where appropriate, we would reject null hypotheses when the probability values of the chi-square scores we derived were less than or equal to .05. In other instances, where we present simple univariate analyses (e.g., of the nature of misconduct), simple visual examination either supports or causes us to reject our hypotheses.

We elected to engage in the lengthy series of bivariate analyses the reader will encounter in Chapter 8 because, absent data like those we captured for this study, so many bivariate relationships involving police personnel have for so long been the subjects of speculation and debate. Do the nature and frequency of police misconduct depend on who the mayor is? Does diversity in police ranks matter? Does it make sense to require police officers to reside where they work? Is it true that military veterans make better cops? That people recruited into police ranks at older ages are less likely than their younger academy classmates to get into career-ending trouble? What differences in the rates and nature of misconduct are there among men and women, whites, blacks, Hispanics, and Asians?

We thought it necessary in this study to address these questions by conducting and presenting bivariate analyses. We did this even though, correctly, we felt certain that some of

the significant differences we might find would wash out in the multivariate models we intended to construct, and that also are presented in this study. In the reviews of the first draft of this study, one reviewer found these bivariate analyses painful, unfriendly, and unnecessary because some of our bivariate relationships did, indeed, fall out of our multivariate models. We then generated a hypothesis concerning this reviewer: he or she is a methodological specialist who has not administered a police agency.<sup>53</sup> Our advice to such readers is to scan our Executive Summary, and then to skip directly to the sections of this report that present multivariate analyses. For our other audience B police and public administrators not grounded in Principal Component Analysis or Logistic Regression Analysis, the multivariate methods we employed B our advice is to stay away from the multivariate sections of this report, and to focus attention on our analyses of the questions you probably have heard and discussed about throughout your careers.

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<sup>53</sup> The absence of data left us unable to test this hypothesis.

## **VII. RESEARCH QUESTIONS**

The research questions we generated fall into the following general topical headings:

- Regional and Organizational Correlates of Police Misconduct
- Community Demographics and Police Behavior
- Local Political Culture and Police Behavior
- Police Socialization, Training, and Police Behavior
- Police Demographics and Representativeness
- Individual Correlates of Police Misconduct
  - § Race and Police Behavior
  - § Age and Police Behavior
  - § Prior Employment, Life History, and Police Behavior.

In addition, we conducted multivariate analyses designed to identify factors that might best distinguish between the officers in our Study and Control groups.

### **REGIONAL AND ORGANIZATIONAL CORRELATES OF POLICE MISCONDUCT**

As indicated earlier, the literature suggests that eastern cities such as New York are marked by profit-motivated police misconduct rather than by the brutality and other non-profit abuses that often have scandalized departments in other parts of the country .at the trouble most frequently affecting police involves profit-motivated corruption ((Bobb, et al., 1992, 1993, 1994a, 1994b, 1995, 1996a, 1996b; Chevigny, 1996; Chicago Police Committee, 1931; Christopher Commission, 1991; Cohen, 1980; Daley, 1978; Domanick, 1994; Fogelson, 1977; Gates, 1992:85-87; Goldstein, 1977:214; Kappeler, Sluder, and Alpert, 1994:145-167, 187-238; Kelly, 1992; Knapp Commission, 1972; Kolts Commission, 1992; Maas, 1972; McAlary,

1989; Mollen Commission, 1993, 1994; Murphy and Plate, 1977; Philadelphia Police Study Task Force, 1987; Rothmiller and Goldman, 1992; Rubinstein, 1973; Schecter and Phillips, 1973; Sherman, 1974; Skolnick and Fyfe, 1993; Williams, 1974). We hypothesized, therefore, that:

**H1:** *More involuntary separations are attributable to profit-motivated corruption than to brutality and other non-profit abuses of citizens.*<sup>54</sup>

### COMMUNITY DEMOGRAPHICS AND POLICE BEHAVIOR

Community and organizational factors that may affect officers' behavior vary within, as well as across, large and dynamic police jurisdictions and agencies. Among those of greatest relevance to this research are community demographic and socioeconomic characteristics, including rates of crime and violence; local political culture; police socialization and training; and the demographics and representativeness of police departments.

Corrupt police officers cannot accept bribes from gambling operators or rob drug dealers if such industries do not exist where they work, or if officers are not authorized by their agencies to enforce such laws.<sup>55</sup> Brutal police officers are most prone to victimize the disenfranchised (Reiss, 1971; Sherman, 1990; Skolnick, 1966; Skolnick and Fyfe, 1993), and

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<sup>54</sup> We recognize that there is considerable difficulty in demonstrating that an officer has engaged in brutality. When reported by a resourceful officer, Bittner (1970:56) and Toch (1995:106-107) point out, an unjustified beating or shooting can easily be redefined as necessary and reasonable use of force. But such dissembling also occurs among corrupt officers, who rarely report accurately on their profit-making forays.

<sup>55</sup> Indeed, in an effort to reduce corruption, the NYPD actually took the step of prohibiting officers from making on-site arrests of drug and gambling suspects (Fyfe, 1978: 329-341; New York State Commission of Investigation, 1972:60-62).

are unlikely to risk their careers by attacking those with the resources to strike back in judicial or administrative proceedings. In addition, Fyfe (1980a) has reported that rates of public violence and arrests for violent crime have a near straight-line association with one measure of police force, shootings by officers, across New York City police divisions, the jurisdictions that, at that time, each included three or four patrol precincts.

It is unlikely that the variation in demographics, crime, and police exposure to risk and temptation across the NYPD's 76 patrol precincts is equaled in any U.S. police jurisdiction.

This gave us an excellent opportunity to test the following:

**H2:** *Rates at which officers are involuntarily separated for corruption and brutality, as well as for other job-related misconduct, bear the associations indicated with the following characteristics of the communities in which they are assigned:*

**H2a:** *rates of public homicide (positive);*

**H2b:** *FBI Index Crime rates (positive);*

**H2c:** *percentage minority population (positive);*

**H2d:** *per capita income (negative).*

## LOCAL POLITICAL CULTURE AND POLICE BEHAVIOR

Mayoral priorities and political exigencies shape both the broad style of policing and the day-to-day operations, legitimate and otherwise, of line officers (see, e.g., Fyfe, et al., 1997: 53-82; Wilson, 1968). Local elective politics also help to draw the distinctions between acceptable police conduct and that which is officially regarded as deviant. In 1970s Philadelphia, for example, police abuse apparently was rampant, but was neither reported nor officially condemned by local officials. Instead, officers were free to follow their mayor's advice to "break their heads before they break yours," and were assured by their commissioner

that he would support them as long as they believed that they had done right. When a reform political administration cracked down on such abuse, *reported* brutality actually increased (although, e.g., fatal police shootings declined 67 percent in the new administration's first year; see Fyfe, 1988a), probably because the public grew aware that the administration was serious about investigating and eliminating it (see Skolnick and Fyfe, 1993:138-142; U.S. Civil Rights Commission, 1979, 1981).

Local politics also influence police priorities and operations in less extreme ways. Mayors whose election campaigns included promises to crack down on crime (like current New York Mayor Rudolph Giuliani and, to a lesser degree, Edward Koch, mayor 1978-1989) or to eliminate police abuse (like David Dinkins, mayor 1990-1993) invariably choose police leaders who share and implement their priorities (like Giuliani's appointees William Bratton and Howard Safir, and Dinkins' appointees Lee Brown and Raymond Kelly, respectively). In the former case, it is sometimes asserted, they are likely to encourage and tolerate aggressive crime fighting techniques that might be regarded as abusive by mayors who had promised more sensitive and community-oriented policing (see, e.g., Geller and Scott, 1992:300-308). In the latter case, their chiefs are likely to implement organizational changes and restrictive policies that limit opportunities for brutality and corruption.

**H3:** *The rate of involuntarily separations for brutality and other non-profit abuse of citizens was greater during the administration of David Dinkins than during either the Koch or Giuliani administrations.*

Additional environmental and organizational changes that can be expected to have recently affected involuntary separation rates for misconduct other than brutality include the post-Mollen Commission expansion of the NYPD's integrity control mechanisms, and the

growth of its drug testing programs. The former Internal Affairs Division was reconstituted into a larger Internal Affairs Bureau; much duplication and opportunity for buck-passing was eliminated; and proactive operations such as *stings* have been increased significantly since the NYPD's last major corruption scandal. In addition, the NYPD's drug testing programs were created expanded dramatically in the latter part of in our study period, and have been accompanied by a *zero-tolerance* policy that leads to automatic dismissal for failing or refusing to undergoing to take a drug examination. Thus:

**H4:** *Rates of involuntary separation for reasons other than brutality and non-profit abuse were greater during the administration of Rudolph Giuliani than during either the Koch or Dinkins administrations.*

#### POLICE SOCIALIZATION, TRAINING, AND POLICE BEHAVIOR

Westley's pioneering 1950s work (not published until 1970) indicated that police training and officers' introduction to their work contributed in the agency he studied to a culture that virtually required officers to use force to demonstrate their solidarity with their peers. Rubinstein wrote that, after brief and unrealistic training and moralizing at the training academy, new Philadelphia officers were assigned to police districts, largely without guidance, and found that "everywhere is bribery" (1973:404). In New York, it has long been an article of faith that the "Class of '69," which had been hastily recruited and trained in anticipation of continuing "long, hot summers" of riots went on to careers of special ignominy. This concern led to the post-Knapp Commission expansion of recruit training from 560 to 1,040 classroom hours, and to the proposal for "escort," or field, training for NYPD rookies that was subsequently added to the expanded classroom training (see, McManus, 1969:168-177; New York State Board of Regents, 1974). In 1979, in order to

quickly reinforce badly understaffed field forces, training was decreased to 800 hours (New York City Police Academy, 1979). Then, in 1995, the curriculum was again expanded to 1,040 classroom hours by inclusion of an extensive integrity and ethics component (New York City Police Academy, 1995).

There is some evidence that variations in entry level class size, often caused by the irregularity of municipal budgeting, are associated with subsequent misconduct by trainees (Bolz, Selvaggi, and Fyfe, 1993; Fyfe, et al., 1997: 290-291). When, as in New York, police departments hire small numbers of officers or none at all for several years, their resources and ability properly to socialize new officers erode, as idle personnel and training staff are transferred to the field. Then, when they must suddenly gear up for massive hiring and must screen and train rapidly, such departments are caught short, and must make do with inadequate and inexperienced staff. In such circumstances, training is weak in both substance and as a symbol to new officers of the agency's commitment to professionalism and, in all likelihood, in the rigor with which it is used as a device to screen out unpromising officers. When the new officers in such large cohorts are graduated to the field, they are too great in number to be absorbed gently into the working culture by mellower old-timers (McManus, et al., 1969). Instead, they may redefine the police culture, often in terms more suitable to bad television shows than to policing a democracy. Three recent examples of this phenomenon present themselves: the Miami and New York City Police Department of the early 1980s and the Washington DC Metropolitan in 1989-90 all hired quickly and indiscriminately, and went on to see many of their new personnel arrested and dismissed over the next several years (see,

respectively, Miami, 1984; Mollen Commission, 1994:113-115; Kappeler, Sluder and Alpert, 1994:213-238).<sup>56</sup> Thus:

**H5:** *Rates of involuntary separation for corruption, brutality, and other forms of misconduct are positively associated with the size of Police Academy recruit training cohorts.*

**H5a:** *The rate at which new officers are involuntarily separated as unsatisfactory probationers is inversely correlated with the size of Police Academy recruit training cohorts.*

**H6:** *Rates of involuntary separation for corruption, brutality, and other forms of misconduct are inversely associated with the rigor and intensity of recruit training, as measured by:*

**H6a:** *numbers of hours of training;*

**H6b:** *rates of involuntary separation for academic and physical failure, and for disciplinary reasons.*

#### POLICE DEMOGRAPHICS AND REPRESENTATIVENESS

There is little empirical evidence to support the common belief that a police department that is representative of its clientele by gender, race, and ethnicity will be more humane, honest, and better behaved than one that is not (Alex, 1969; Kerner Commission, 1968). Requirements limiting eligibility for police positions to persons residing in employing jurisdictions frequently are upheld as means of enhancing both representativeness and officers' identification with their constituents and their problems (Detroit Police Officers Association v. City of Detroit, 1971; "Where New York's Finest Should Live," 1991:A18). This reasoning is plausible, but cities that have such requirements in place (e.g., Chicago, Detroit, Philadelphia,

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<sup>56</sup> For example: the Mollen Commission (1994:113-115) reported that 88 percent of the suspended and dismissed officers it studied had not been investigated thoroughly at appointment.

Washington DC) have had no dearth of police scandals. Further, even though city residents include relatively great minority representation, the Mollen Commission (1994:128) pointed out that 77 percent of the suspended and dismissed officers in its study were New York City residents at the time of their appointments.

It also is plausible that minority citizens may be more accepting of minority officers (Alex, 1969; Baldwin, 1963; Fyfe, 1988b) and that representativeness may break down the *us v. them* posture often described in studies of white male dominated police agencies serving communities of color (Kelly, 1976; Westley, 1970). In the aggregate, this may reduce the need for legitimate force and the temptation to brutality and financial exploitation generally.

We hypothesized:

**H7:** *Rates of involuntary separation for corruption, brutality, and other police misconduct are inversely associated over time with the percentage of non-white officers in the department.*

**H8:** *Rates of involuntary separation for corruption, brutality, and other police misconduct are positively associated over time with the percentage of officers who reside outside New York City.*

#### INDIVIDUAL CORRELATES OF POLICE MISCONDUCT

Perhaps because police were so long chosen from a pool of people whose characteristics and backgrounds did not vary much (e.g., McManus, et al., 1969:74-96), information about the relationship of individual characteristics and deviance is sparse. Frequently mentioned in the literature of police behavior generally, however, are such individual variables as gender, race, age, education, intelligence, physical fitness, and length

of service.<sup>57</sup> Thus B especially as police agencies have become more diverse over the last 25 years B we thought it fruitful to examine these variables. Taking care to separate its effects on the department's disposition of charges that end careers, it is also useful to analyze records of officers' police job performance prior to dismissal.

### Gender and Police Behavior

As indicated earlier, the literature on female police officers= behavior and careers is limited. Some years ago, Martin (1980) found that new female officers were less than warmly welcomed into the Washington DC Metropolitan Police Department. This might lead one to anticipate that female officers= behavior, especially during probation, would be scrutinized more closely than that of their male counterparts. Consequently, one would also anticipate that they would more often be forced out of the police service during this early point in their careers. Aside from news stories generated by occasional arrests of corrupt female officers,

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<sup>57</sup> An additional relationship that has been discussed in prior literature is that between officers' attitudes toward their work and clientele and their job performance (Friedrich, 1980; Niederhoffer, 1969; Reiss, 1971; Muir, 1977; Toch, 1995; Worden, 1989). Because the proposed study is retrospective, it is not possible for us to administer the attitudinal measurement instruments needed to examine this question. Even absent an empirical test, two propositions seem reasonable: cynical officers are more likely than idealistic officers to become involved in corrupt activities; and officers who have lost faith in the justice system may be prone to engage in punitive brutality (see, e.g. Klockars, 1980; Skolnick and Fyfe, 1993).

not much is known about officer gender and corruption. Most comparisons of male and female officers have found that males are more aggressive enforcers (Bloch and Anderson, 1974; Forst, Lucianovic, and Cox, 1977; Melchionne, 1974; Sherman, 1975; Snortum and Beyers, 1983; Worden, 1989), and are more likely to use force (Grennan, 1987; Horvath, 1987). This might cause one to suspect that female officers would become involved in brutality less often than males and that, as the representation of female officers, supervisors, and commanders in a department increased, its culture would become less tolerant of excessive force. Conversely, as women became more integrated into a department, leaving behind their "token" status (Martin, 1980), one might also anticipate that they would more frequently become involved in profit-motivated corruption where it is approved by police cultural norms. Further, the early results from our disciplinary study suggest hypotheses involving involuntary separations for other reasons, such as drug abuse and rule breaking. Thus, we hypothesized:

**H9:** *Female officers' involuntary separation rate is positively associated over time with the percentage of females in the department.*

**H10:** *The rate of involuntary separations of probationers is greater among female officers than among males.*

**H11:** *The rate of involuntary separations for corruption is greater among male officers than among female officers.*

**H12:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among male officers than among female officers.*

**H13:** *The rate of involuntary separations for drug test failures and refusals is greater among female officers than among male officers.*

**H14:** *The rate of involuntary separations for non-line of duty criminal conduct ( e.g., off-duty thefts and fraud; drug crimes) is greater among male officers than among female officers.*

**H15:** *The rate of involuntary separations for administrative rule breaking is greater among female officers than among male officers.*

Race and Police Behavior.

Our review of the literature found that black officers were more likely than others to be implicated in police misconduct and such other controversial police actions as use of deadly force, and that such disparities may be associated with racial variations in rank and race (Cohen and Chaiken, 1972, 1973; Fyfe, 1980c, 1981; Fyfe, et al., 1998). More recently, however, Fyfe, et al. (1998) examined data which suggested that there is merit to the frequent assertion that white officers are more often involved than others in brutality and abuse see, e.g., Alex, 1969; Cohen, 1980; Domanick, 1994; Takagi, 1974, 1979). Thus:

**H16:** *The rate of involuntary separations of probationers is greater among non-white officers than among white officers.*

**H17:** *The rate of involuntary separations for corruption is greater among non-white officers than among white officers.*

**H18:** *The discrepancy between white and non-white officers' rates of involuntary separation for corruption is accounted for by differential patterns of assignment and rank.*

**H19:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among white officers than among non-white officers.*

**H20:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among non-white officers than among white officers.*

**H21:** *The rate of involuntary separations for drug test failures and refusals is greater among non-white officers than among white officers.*

**H22:** *The rate of involuntary separations for administrative rule breaking is greater among non-white officers than among white officers.*

**H23:** *The discrepancy between white and non-white officers' rates of involuntary separation for administrative rule-breaking is accounted for by differential patterns of assignment and rank.*

### Age and Police Behavior

The literature on age and police behavior leads to mixed recommendations. Without citing their sources, Wilson (1963) and Leonard and More (1993) suggest that young hires are more likely than older recruits to become successful officers. More clearly empirical research, however, suggests that officers who are young when recruited to the police service are more likely than older officers to run into career trouble (Cohen and Chaiken, 1972:64-65; Mladinich, 1995; O'Sullivan, 1994, sections 1.1, 3.7.4; see also Mollen Commission, 1994:112-115). This finding led the NYPD to increase its minimum age at entry to 22 (Mladinich, 1995), and was consistent with an earlier finding by that younger officers appointed to the NYPD in 1957 were more likely than their peers to have been subjects of citizens' complaints between then and 1968. To investigate this issue as it relates to career-ending misconduct, we hypothesized::

**H24:** *The rate of involuntary separations of probationers is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H25:** *The rate of involuntary separations for corruption is greater among officers who were less than 22 years old when appointed is greater than among officers who were 22 or more years old when appointed.*

**H26:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H27:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H28:** *The rate of involuntary separations for drug test failures and refusals is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H29:** *The rate of involuntary separations for administrative rule breaking is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

### Prior Employment, Life History, and Police Behavior

As intuition might suggest, the research indicates that, where police are concerned, the past is prologue. Cohen and Chaiken found that histories of unsatisfactory employment and military discipline were associated with subsequent rule violating (1972:79-85). Honorable records of military service, by contrast, long have been regarded as good preparation for the discipline of police agencies<sup>58</sup> (Leonard and More, 1974:226-27, fn. 14). Cohen and Chaiken=s analyses of police success and histories of psychological disorders and traffic

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<sup>58</sup> Like many other civil service organizations, the NYPD gives extra credit on entrance and promotional examinations for military service.

violating were inconclusive, perhaps because candidates who are on the extremes on these dimensions are screened out before hiring.

We sought to investigate this issue as follows:

**H30:** *Rates of involuntary separation for all types of police misconduct are higher for the following categories of officers than for other officers:*

**H30a:** *officers who were dismissed by previous employers.*

**H30b:** *officers whose prior employers gave police investigators derogatory information about them.*

**H31:** *Officers with military records that include no discipline are less likely than officers without military experience or with military disciplinary histories to be involuntarily separated.*

A related line of scholarship (Cohen and Chaiken, 1972; Bowker, 1980; Reuss-Ianni, 1983; Kappeler, et al., 1992; Eterno, 1996; Truxillo, et al., 1998) holds that well-educated police officers are more likely than their colleagues to enjoy successful police careers. We hypothesized:

**H32:** *Rates of involuntary separation for all types of police misconduct are inversely associated with officers' years of education at entry into the NYPD.*

**H33:** *Officers= years of education at entry into the NYPD is positively associated with movement into supervisory and management ranks.*

**H34:** *Officers= educational attainment after entry into the NYPD is positively associated with movement into supervisory and management ranks.*

#### Academy and Probationary Performance and Police Behavior

Cohen and Chaiken's (1972:103-110) work suggested that officers who did well in the Police Academy and on probationary evaluations (also quantifiable) were more likely than

their colleagues to have advanced through the ranks and win awards, and were less likely to have engaged in misconduct or to have been disciplined. Thus:

**H35:** *Rates of involuntary separation for all types of police misconduct are inversely associated with officers' Police Academy academic averages.*

#### Police Job Performance

Findings to the effect that a small number of police officers accounts for a great proportion of misconduct allegations, citizens' complaints, civil suits and judgments, and other possible indicators of violence or corruption are by now common (Bennett-Sandler and Ubell, 1977; Christopher Commission, 1991:35-48; Kolts Commission, 1992: 157-168; Mollen Commission, 1994:90-100; St. Clair Commission, 1992: 110-114; Toch, 1969, 1995; Toch, Grant, and Galvin, 1975). The New York City Police Department's Michael Dowd was the subject of 20 or more misconduct allegations in the seven years before he was arrested (Kelly, 1992:22-103); his Philadelphia counterpart, John Baird, was the subject of 26 or more complaints before his arrest (Yatvin, 1996). These findings give rise to the following hypotheses:

**H36:** *Rates of involuntary separation for all types of misconduct are positively associated with the following variables (all standardized by rates per year of service):*

**H36a:** *prior citizens' complaints;*

**H36b:** *prior supervisory disciplinary actions;*

**H36c:** *prior below standards@ evaluations on performance evaluations;*

**H36d:** *prior line of duty civil suits;*

**H36e:** *prior line of duty injuries;*

**H36f:** *prior line of duty vehicle accidents;*

**H36g:** *prior designations as chronically sick.*

**H37:** *Rates of involuntary separation for brutality and other abuses are positively associated with rates of departmental commendations.*

## VIII. HYPOTHESIS TESTING

**H1:** *More involuntary separations are attributable to profit-motivated corruption than to brutality and other non-profit abuses of citizens.*

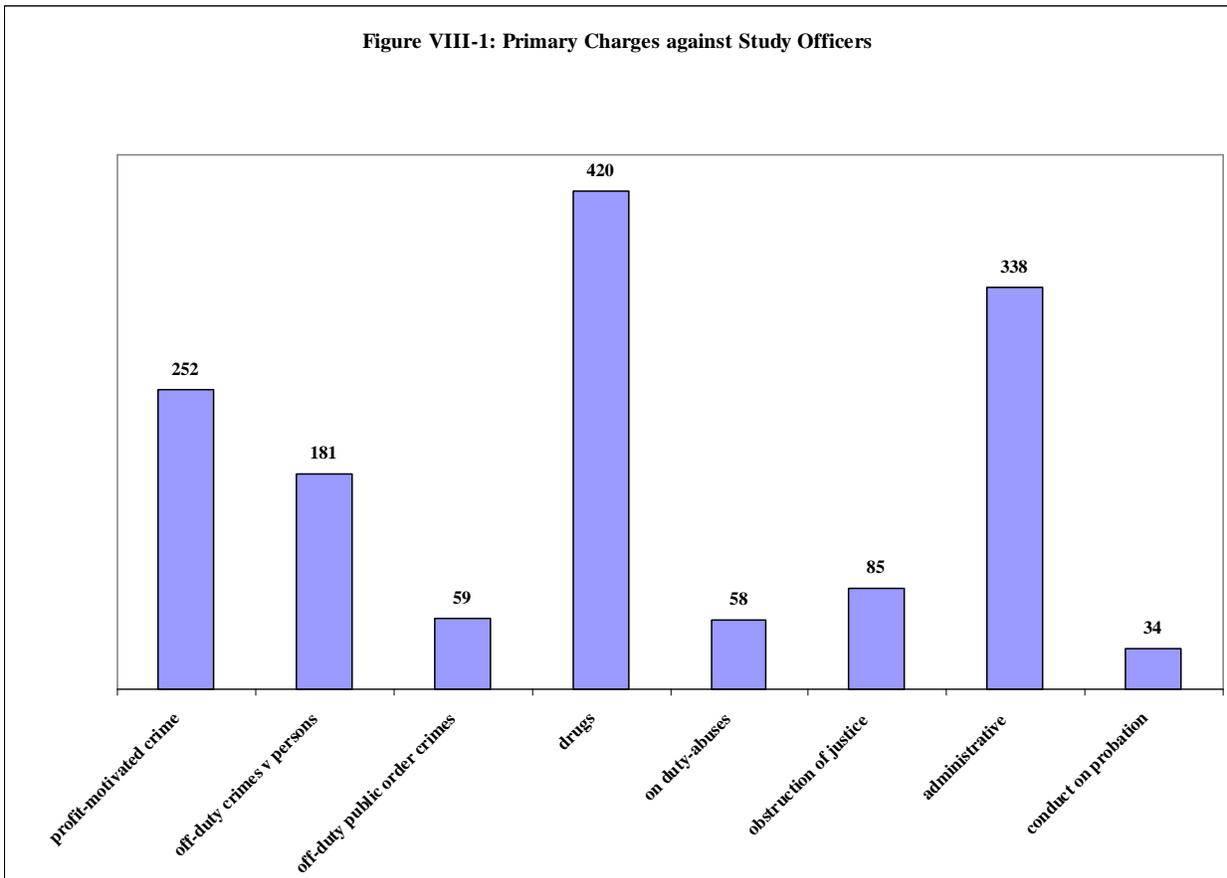
In defining this hypothesis, we anticipated that we would be able to distinguish job-related corruption from other profit-motivated crime. As explained earlier, however, this turned out to have been a naive assumption. Consequently B although we regard this revelation itself as a major finding of our work B we tested the hypothesis by employing our eight-category misconduct typology. This produced Figures VIII-1 and VIII-2.

Figure VIII-1 presents the *primary* charges lodged against officers, defined as the most serious or root charge that led to the officers= separations from the department.<sup>66</sup> Visual examination indicates that the hypothesis is confirmed: during 1975-96, the NYPD separated 252 officers whose primary offense involved some profit-motivated crime, while only 58 officers were separated for offenses stemming from on-duty abuse.

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<sup>66</sup> An example: assume that an officer has been the subject of a drug trafficking investigation during which it is discovered that he was part of a criminal conspiracy and that he had also conducted his illicit business on departmental time. In such a case, he would be charged with offenses classified under both the Aobstruction of justice@ and Aadministrative@ categories, but his *primary* offense B the most serious and the one that precipitated the NYPD=s interest in his activities B would be the Adrugs@ charges against him. We found 58 officers who were separated primarily for on-duty abuse. Sixty-one additional officers were dismissed in cases in which charges other than the primary offense included on-duty abuse.

Figure VIII-1: Primary Charges against Study Officers



This same pattern appears in Figure VIII-2, which includes data on *all* specifications lodged against separated officers, without regard to their seriousness.<sup>67</sup> The data again show that profit-motivated crime specifications (n=387) greatly outnumber charges of on-duty abuse (119). Thus, **H1** is confirmed: whether using officers or the charges against them as the unit of analysis, the number of separations involving profit-motivated offenses is three to four times higher than the number that involved on-duty abuse.

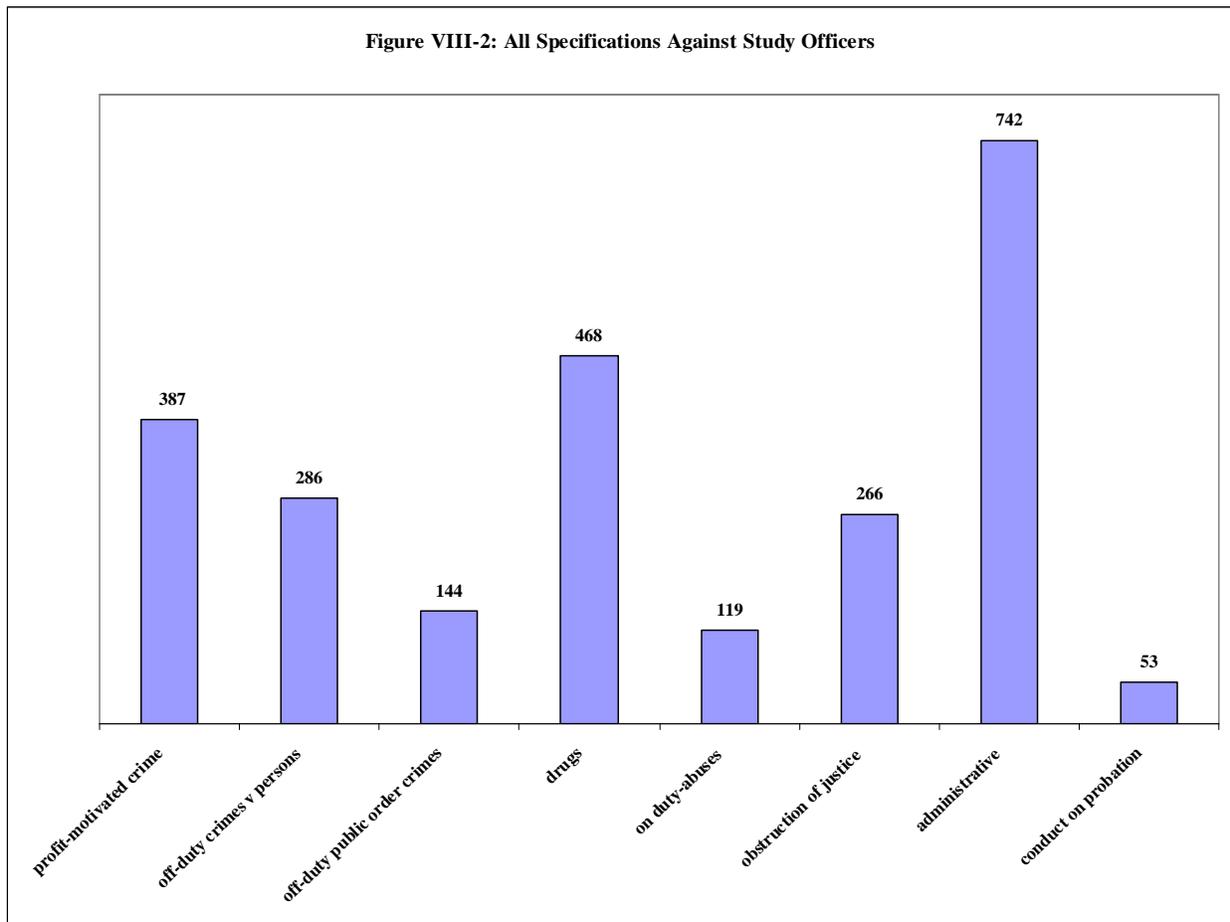
### Profit-Motivated Crime

In Figure VIII-3, we present data on the nature of the profit-motivated charges against our study officers. Bribe taking, the solicitation or acceptance of money or some other benefit in return for abusing one's authority to benefit wrongfully benefit another, is the single most frequent charge (n=72), followed closely by grand larceny, which is felony level stealing (n=66). Twelve of the study officers were charged with defrauding the government (e.g., by welfare or food stamp fraud); 28 were charged with burglary; seven with operating or working for illegal gambling enterprises; 33 with insurance fraud; 28 with misdemeanor-grade petit larcenies; ten with soliciting or receiving gratuities or accepting goods and services without

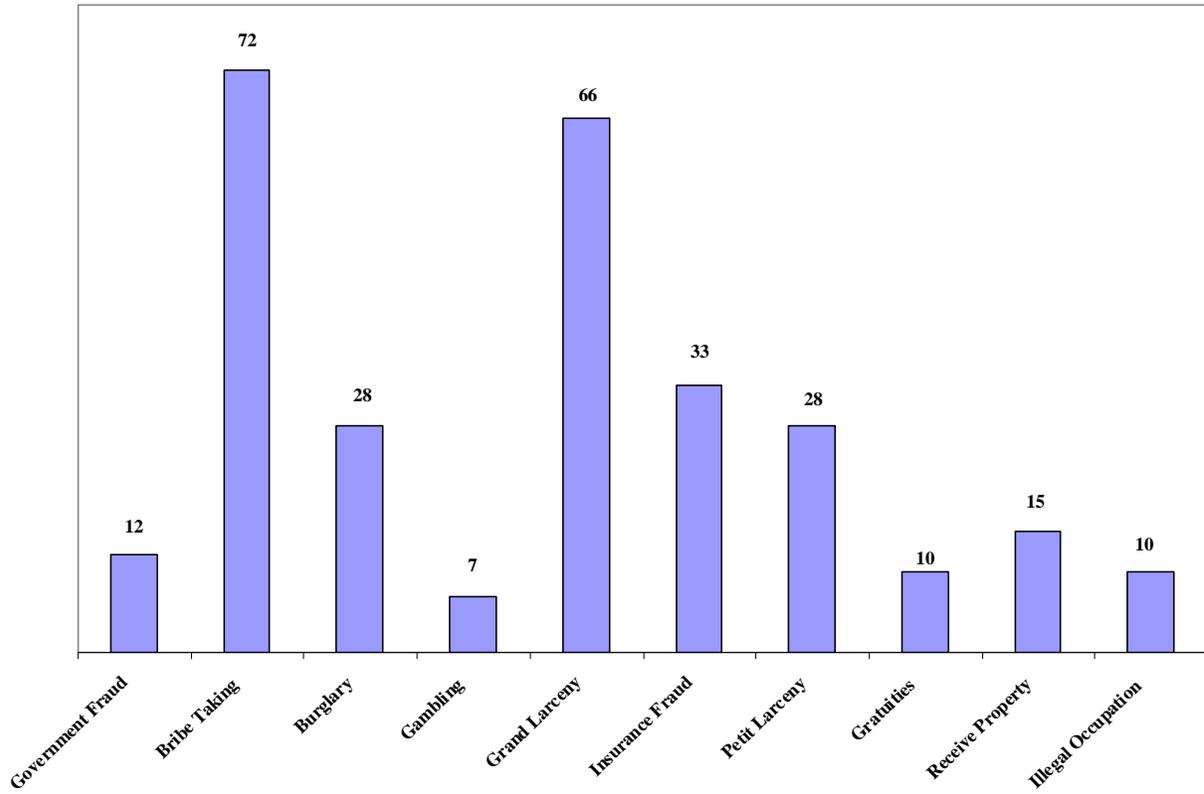
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<sup>67</sup> To clarify the differences again: Figure VIII-1 considers the priority and order of charges lodged against officers and includes data on only the first and/or worst offense. Figure VIII-2 simply includes all charges. Thus, if an officer were charged with trafficking drugs that he had stolen from an arrestee, he would be included in Figure VIII-1 in the *Adrugs@* category. In Table VIII-2, his case would also be included in the *Aprofit-motivated crime@* category.

Figure VIII-2: All Specifications Against Study Officers



**Figure VIII-3: Profit-Motivated Charges Against Study Officers**



paying for them; 15 with improperly appropriating property in their custody; and ten each were charged with accepting gratuities or engaging in such illegal occupations as working in liquor-related businesses, which is forbidden to police officers by New York State law. An additional 106 charges involved profit-motivated charges not specified on NYPD=s coding schema (e.g., extortion; receiving stolen property; abusing or misappropriating official resources; robbery).

Thus, while the traditional police occupational crime B bribery B is the modal category among these offenses, it is clear that offenses not necessarily related to accused officers= employment (e.g., insurance fraud; petit larceny) also occur with some frequency.

#### Why So Few Separations for On-Duty Abuse?

Clearly, therefore, we can accept this hypothesis, but the data raise other issues that are worthy of discussion. In January 1975, when the period covered by our study began, the NYPD employed more than 32,000 officers. Over the next 22 years, more than 45,000 additional officers joined the ranks of the NYPD, so that some 78,000 people served as NYPD officers during the period we studied. Only 1,543 of these officers B 2.0 percent, or one in 50 B left the Department involuntarily, for reasons of improper behavior. This should be kept in mind when reading the rest of this report because, even when we discuss apparently large differences in rates of involuntarily separation, we are talking about only a very small percentage of the NYPD=s total personnel complement. On an annual basis, the 1,543 officers separated from the NYPD represented about one-tenth of one percent B one in a thousand B of the total number of officers who served in the Department during these 22 years.

Second, only 119 of these officers B about one in 563 of the officers employed by NYPD during these years B ended their careers on charges that included on-duty abuse. For readers familiar with media accounts of the Louima and Diallo cases and with allegations of widespread police abuse, this may seem to be an extremely small number. Two explanations probably apply to these abuse-related separation figures. The first is that, media accounts aside, the actual incidence of excessive force by New York City police is far smaller than many have been led to believe and, further, that the decreases in separations for such offenses may represent real decreases in their frequency. There is considerable evidence in support of this contention. As Chevigny (1996) and Domanick (1994) suggest, the NYPD has long been noted for its attempts to control its officers= discretion in use of force. The literature suggests that the department has been successful: the NYPD traditionally has used deadly force proportionally less often (e.g., per 1,000 officers) than is true of most other large police agencies (see, e.g., Geller and Scott, 1992; Washington Post 2001). Further, Skolnick and Fyfe (1993:21-215) reported, the NYPD has been the subject of civil rights complaints to the United States Department of Justice much less often (again, per 1,000 officers) less frequently than any of 58 other municipal and county agencies that had been the subject of a federal study on the subject (United States Department of Justice,1992).<sup>68</sup>

The second explanation involves the difficulty of proving allegations of police abuse. This difficulty involves the dilemma of proving that officers B who are entitled by law and policy to great discretion in use of force B have crossed the barrier from reasonable to

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<sup>68</sup> Rates of civil rights complaints for the nation=s ten largest cities during 1985-90, including New York=s, are presented in Figure VIII-7.

unreasonable force. This is a very difficult burden of proof in either the criminal courts or in police administrative proceedings. Consequently, findings of wrongdoing in either forum usually only occur when evidence is irrefutable. This was the case in the Rodney King matter, where the now-famous videotape contradicted the accused officers' claim that they had used only necessary and reasonable force. It was also true of the Abner Louima matter, in which the nature of the victim's injuries—a ruptured colon and bladder caused by forcible sodomy with a stick—could not be explained by any reasonable variety of police force. In the absence of such objective evidence, accusations of brutality devolve into swearing contests that cannot easily be resolved by finders of fact.

This is not so where profit-motivated misconduct is concerned. Since there are circumstances in which officers can reasonably employ force, the mere fact that an officer acted forcibly does not indicate wrongdoing. But there are no circumstances in which officers legitimately can accept cash or benefits other than their pay checks. Consequently, the mere proof that such an event has occurred proves dismissible wrongdoing.

Thus, what may seem like an inexplicably low frequency of force-related dismissals probably has two explanations. The first is the comparative infrequency of force by NYPD officers, and the second is the difficulty of proving that force has been excessive. Finally, readers should keep in mind that, even when we are discussing involuntary separations for all reasons, we are considering only a very small percentage of the NYPD: our data bear out the frequent claim that the overwhelming majority of police officers are honorable public servants.

## COMMUNITY DEMOGRAPHICS AND POLICE BEHAVIOR

We approached this avenue of research by using data obtained from the U.S. Census, and the NYPD=s Crime Analysis Unit to test the following research hypothesis:

**H2:** *Rates at which officers are involuntarily separated for corruption and brutality, as well as for other job-related misconduct, vary over time with changes in the following characteristics of the communities in which they are assigned:*

**H2a:** *rates of public homicide (positive);*

**H2b:** *FBI Index Crime rates (positive);*

**H2c:** *percentage minority population (positive);*

**H2d:** *per capita income (negative).*

### The Importance of Place and Time

Thus far, we have examined patterns of police misconduct at the individual officer level, comparing the population of Astudy@ officers to a sample of Acomparison@ officers. As the literature review indicates, however, a large body of research has examined the influences of community characteristics on police coercion (e.g., Smith, 1986), deadly force (e.g., Fyfe, 1980), and even police dog deployments and bite-to-use ratios (Campbell et al., 1998), generally showing the importance of incorporating structural (i.e., community-level) variables as predictors of police behavior. The present study advances this research by examining the effects of structural variables on police misconduct at the community level, largely building on Fyfe=s (1980) examination of patterns of deadly force in the NYPD across police divisions. It is hoped that the community-level perspective will add an important dimension to

the present study by identifying the role of *place* and social context in the prediction of career ending police malpractice.

As the unit of analysis changes from the officer to the community, several theoretical and methodological assumptions also change as the present study draws heavily on the communities and crime research to inform its tests of the structurally-grounded research hypotheses. Since Shaw and McKay's (1942) seminal examination of social disorganization and delinquency in Chicago, a series of subsequent researchers has further elucidated the importance of examining how changes in community structure over time may predict temporal variations in crime rates in those local areas (Bursik & Webb, 1982; Bursik, 1986; Reiss, 1986; Sampson & Groves, 1989; Bursik & Grasmick, 1993; Kubrin & Weitzer, 2003). Moreover, as Bursik and Grasmick (1993) argued, an integrated structural model may show that variations in social ecological conditions may explain outcomes beyond crime and delinquency. Consistent with this reasoning, the social disorganization framework has been specified to explain fear of crime (Taylor & Covington, 1993) and rates of violence among the mentally ill at the neighborhood level (Silver, 2000). The present study further expands these outcomes by examining patterns of police misconduct B a related measure of territorial deviance B within communities over time.

### *Incorporating Time*

Although the present study primarily examines cross-sectional research hypotheses, several researchers have convincingly argued the importance of incorporating time into studies of deviance that specify the community as the unit of analysis (Bursik, 1986; Bursik & Webb, 1982; Sampson & Groves, 1989; Kubrin & Weitzer, 2003). Indeed, as Shaw & McKay

(1942) noted, social disorganization B which largely represents an opportunity theoretical perspective B is hypothesized to predict variations in deviance patterns through disruptions of the Amoral order@ of a community. Such disruptions are hypothesized to occur as the result of changes in the structural (i.e., social and economic) conditions at the community level, which are best understood when examined over time. Moreover, Shaw and McKay (1942:14) observed, changes in neighborhood-level deviance patterns are partly a function of the Ahistory and growth of the city and of the local communities that comprise it.@ Finding support for this argument in a reexamination of Shaw and McKay=s Chicago data, Bursik (1986) showed that using a cross-sectional methodology to test the ecology of crime model can produce spurious correlations between predictor and outcome variables.

Following the lead of previous researchers who have tested the ecology of crime model, the present study examines the effects of structural conditions on police misconduct, which are hypothesized to create opportunity structures for occupational deviance in police precincts over time. In conducting the longitudinal hypothesis testing (recall H2a-H2d above), the present study employs an analytical strategy capable of distinguishing the *within*-precinct changes from the *between*-precinct variations in the social ecological conditions that should theoretically influence patterns of police misconduct. The following section describes these analytical strategies in detailed form.

### Analytic Procedures

The precinct-level misconduct data were submitted to a series of repeated measures analyses using the hierarchical linear modeling procedure developed by Bryk & Raudenbush (1992). The application of HLM to longitudinal data analysis has been referred to as growth

curve modeling (Bryk & Raudenbush, 1992; Lauritsen, 1998; Raudenbush & Chan, 1987), which identifies variations in the outcome variable(s) of interest, then enters a series of predictor variations in subsequent models that are hypothesized to explain the outcome measure variations. (Roundtree et al., 1994). In replicating the procedures outlined by Bryk & Raudenbush (1992), we examined the relationships between the community-level variations and misconduct in two stages. The first estimation shows whether precincts have varied significantly across each other in their levels of police malpractice at the intercept year (1986), as well as the extent to which changes in the patterns of misconduct *within* precincts have varied over time. This estimation is important because if the model shows that police misconduct has not varied significantly over time within precincts, then there is no justification for a longitudinal examination of the community-level variables on misconduct. This initial model may be represented as a function of a systematic trajectory over time, plus random error. The equation is specified as follows:

$$Y_{it} = \vartheta_{0i} + \vartheta_{1i}(\text{Time}_{it}) + \vartheta_{2i}(\text{Time}_{it}^2) + \vartheta_{3i}(\text{Spatial Term}_{it}) + e_{it}$$

Where:

$Y_{it}$  = the observed career-ending misconduct rate for each precinct  $I$  (For  $i = 1, \dots, n$  units) at time  $t$  (for  $t = -10, \dots, 10$ );

$\vartheta_{0i}, \vartheta_{1i}, \vartheta_{2i}$  = the intercept, slope, and quadratic parameters, respectively, of the trend lines;

$\vartheta_{3i}$  = the spatial autocorrelation term for each areal unit at time  $t$ ;

$e_{it}$  = the random within-areal unit error estimation for unit  $I$  at time  $t$ .

Assuming significant within-group variance over time is observed, a series of subsequent models will be estimated that include the measures of community characteristics hypothesized to explain the levels of misconduct over time. These indices will be entered as time-varying covariates, which may be expressed by the following equation:

$$Y_{it} = \vartheta_{0i} + \vartheta_{1i}(\text{Time}_{it}) + \vartheta_{2i}(\text{Time}_{it}^2) + \vartheta_{3i}(\text{Spatial Term}_{it}) + \vartheta_{4i} + \vartheta_{5i} + \vartheta_{6i} + \vartheta_{7i} + e_{it}$$

Where:

$Y_{it}$  = the observed career-ending misconduct rate for each precinct  $I$  (For  $i = 1, \dots, n$  units) at time  $t$  (for  $t = -10, \dots, 10$ );

$\vartheta_{0i}, \vartheta_{1i}, \vartheta_{2i}$  = the intercept, slope, and quadratic parameters, respectively, of the trend lines,

$\vartheta_{3i}$  = the spatial autocorrelation term<sup>69</sup> for each areal unit at time  $t$ ;

$\vartheta_{4i}$  = rates of public homicide (positive);

$\vartheta_{5i}$  = FBI index crime rates;

$\vartheta_{6i}$  = percentage minority population (positive);

$\vartheta_{7i}$  = per capita income (negative);

$e_{it}$  = the random within-areal unit error estimation for unit  $I$  at time  $t$ .

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<sup>69</sup>In spatial analyses of crime and delinquency, it has sometimes been found that deviance levels in communities are influenced by deviance levels in adjoining communities (Morenoff & Sampson 1997; Taylor & Covington, 1988). Failure to account for this spatial dependence in the outcome measure can bias the results of the overall model. Thus, when theory suggests that a spatial process may be influencing the patterns under study, it is important to estimate the effects of these potential influences. In the present study, the issue of spatial autocorrelation represents an open empirical question. Therefore, relying in Taylor and Covington=s (1988) OLS procedure, controls for spatial autocorrelation are included as explanatory variables in all predictive models.

In the analyses that follow, the residuals are allowed to over-disperse. The pure Poisson distribution constrains residual variance to equal the fitted mean, but actual data generally have more variance than that. HLM has a feature that allows for the opportunity to examine the residual variance through an over dispersion parameter. This is noted as  $\sigma^2$  in the tables. In addition, the time-varying covariates are group-mean centered, which allows for a proper assessment of within-territorial unit change over time.<sup>70</sup>

A time variable was created by subtracting the midpoint of the time series, 1986, from each year in the study period. Therefore, 1979-1986 = -7 (which represents 7 years prior to the midpoint), while 1989-1986 = 3 (which represents 3 years beyond the midpoint). This variable TIME will model a linear trend. To model a quadratic parameter the variable TIME\_SQ was computed by raising TIME to the second power.

Finally, all models specify a Poisson distribution with variable exposure where the exposure variable is the precinct population of police officers. Initially, rates of misconduct for all precincts (and divisions) were created, but there were zeros in many of the data cells since not all precincts experienced misconduct every year. To counter this, the number of misconduct events (i.e., CASES) represents the dependent variable, which is weighted by the precinct population of police officers (i.e., a count data model). This procedure decreases the potentially adverse effect of modeling a rate-based dependent variable that contains a sizable

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<sup>70</sup>Group-mean centering limits coefficients of these variables to represent within-territorial unit change, rather than mixing that with between-territorial unit differences (Bryk & Raudenbush, 1992).

number of zero scores. Note that the procedures outline here are replicated for all division-level analyses.

### Independent Variables

The analyses include seven indicators of crime drawn from both manual and electronic data sources maintained by the New York City Police Department. These include rates of homicide, felony assault, robbery, forcible rape, burglary, grand larceny, and auto theft B all of which are aggregated to the precinct-level. In addition, the analyses include indicators of precinct-level per capita income and percent minority populations. Both of these structural conditions have been associated police-citizen conflict and community dependence on police (Jackson, 1989), and may provide opportunity structures for police misconduct independent of precinct-level crime rates.

It should be noted that the rates of property crime were strongly intercorrelated, as were the rates of violent crime. To reduce potential multicollinearity among the independent variables, composite crime measures were created as summed indices via principal component analysis. The model included precinct-level rates of homicide, forcible rape, robbery, aggregated assault, burglary, grand larceny, and motor vehicle theft. Table VIII-1 shows the results of this analysis.

As the data in Table VIII-1 indicate, The PCA extracted two dimensions of public crime,<sup>71</sup> which are best described as violent crime (Eigenvalue=3.68; variance explained=52.5 %) and serious property crime (Eigenvalue=1.87; variance explained=26.7 %). To determine

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<sup>71</sup>The first PCA was specified to extract all dimensions with Eigenvalues greater than one, however because the difference between the second and third dimensions was large, we were concerned that the model Aover factored@ the data. As a reliability check, we estimated a second PCA, forcing a two factor solution. The results of the estimations

Table VIII-1: Principal Component Analysis of New York City Crime Rates

	Components	
	1	2
<i>Rates of:</i>		
Homicide	.900	-.211
Forcible Rape	.920	.120
Robbery	.893	.208
Aggregated Assault	.900	-.233
Grand Larceny	.076	.784
Burglary	.434	.788
Motor Vehicle Theft	-.215	.616

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were substantively equal, and we report on the initial model.

the reliability of these measures, the variables loading on each component were submitted to Cronbach=s Alpha scale reliability analysis, producing the following results:

*Violent Crime* index: forcible rape, homicide, felony assault, robbery; Alpha=.80

*Serious Property Crime* index: burglary, grand larceny, motor vehicle theft; Alpha=.75

The variables that made up each dimension were summed to create additive indices of violent crime and serious property crime. It is understood that an additive index weights each variable equally in contrast to a PCA, which weights each item differentially on the basis of its contribution to the component. The purpose here was to create mutually exclusive composite crime measures that shared little covariation. As such, we favored the additive indices over the principle component scores because although the latter produce relatively uncorrelated dimensions, the dimensions are not necessarily mutually exclusive; burglary, for example, loads to some extent on both the violent crime and the serious property crime dimensions. The relatively large reliability coefficients produced by the Cronbach=s Alpha provided the necessary empirical confirmation to justify our decision.

### HLM Results

Table VIII-2 shows the results of the unconditional repeated measures HLM. Both the base rate parameter (i.e., cross-sectional) and the quadratic trend parameter were significant, suggesting that police misconduct varied both between-precincts at the intercept year, and within-precincts over time. Moreover, as the variance components show, the majority of the variation was within-precincts over time ( $\sigma^2 = 1.284$ ;  $p < .001$ ), as opposed to between them. This is a key methodological issue since the findings show the importance of modeling police

misconduct over time, rather than between precincts at a single Asnap-shot@ point (i.e., cross-sectionally).<sup>72</sup>

Finally, note that the spatial autocorrelation control variable was not significant, indicating that police misconduct patterns in adjoining precincts do not influence one another. This finding is supported by theory, as prior researchers have argued and/or observed that police districts (i.e., station houses) within the same municipality tend to operate autonomously of one another, and officers assigned to the districts tend to have little contact with officers assigned to contiguous stations (Klinger, 1997; Rubenstein, 1972; Reuss-Ianni, 1983).

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<sup>72</sup>A note on the reliability coefficient is warranted. In a repeated measures design the reliability coefficients have utility for showing how much of the variability in the slope is due to random error versus parameter variance (Lauritzen, 1998:137). As the reliability increases, so does the confidence that the outcome measure contains enough variability to support a within-individual analysis over time. Because the reliability coefficient produced by the precinct-level analysis was low (i.e., < .60), support for the within-precinct growth model is necessarily qualified.

Table VIII-2: . Initial Hierarchical Poisson Model Estimates of Within- and Between-Precinct Police Misconduct in New York City

<i>Fixed Effects</i>				
Predictor	Coefficient	S.E.	T-ratio	P-level
<u>For base rate, <math>\vartheta_{0i}</math></u> Intercept, $\beta_{00}$	-5.955	0.067	-87.87	<.001*
<u>For linear change, <math>\vartheta_{1i}</math></u> Intercept, $\beta_{10}$	-0.011	0.018	-0.041	.968
<u>For quadratic effect, <math>\vartheta_{2i}</math></u> Intercept, $\beta_{20}$	-0.019	0.002	-9.02	<.001*
<u>For Spatial Autocorrelation, <math>\vartheta_{3i}</math></u> Intercept, $\beta_{30}$	0.089	0.078	1.132	.258
<i>Variance Components</i>				
Parameter	Estimate	$X^2$	P-level	Reliability
Var ( $\vartheta_{0i}$ )	0.130	123.11	<.001	.445
$\sigma^2$	1.284			

\*p< .001

ubstantively, the data in Table VIII-2 show that, from 1975 to 1996, police misconduct within precincts fluctuated significantly over time but that, because the linear component was not significant, the fluctuation was neither an additive increase nor decrease. Rather, given that the quadratic time variable was centered at the midpoint, the significant Beta indicates a parabolic misconduct pattern within precincts over time. Graphically, the parabola would be illustrated as either a AU@ or an inverted AU.@

Even in the absence of predictor variables, this is an interesting finding, which may be explained by several factors. Skolnick and Fyfe (1993) reported that, in the wake of the *Serpico* scandal in the NYPD, Mayor John Lindsay appointed Patrick V. Murphy as a reform police commissioner. Skolnick and Fyfe wrote:

Even before the Knapp hearings started, Murphy had begun changing his department irrevocably...Murphy put in place systems to hold supervisors and administrators strictly accountable for the integrity and civility of their personnel...He won approval to increase the number of supervisors authorized for the department...He rewarded cops who turned in corrupt or brutal colleagues and punished those who...looked the other way when they learned of misconduct.

...(Murphy) contracted with the RAND Corporation to study his executives= jobs and to determine what knowledge, skills, and abilities were necessary to succeed in it. He gave those results to the American Management Association and hired the association to assess each of his executives to identify their strengths and weaknesses. (Skolnick & Fyfe, 1993, 179)

Murphy implemented Afield associate@ and Aintegrity testing@ programs, designed to covertly detect and respond to corruption among police officers (Murphy & Plate, 1977). Additionally, and perhaps most importantly, Murphy also made it impermissible for organized crime officers to enforce laws against Avictimless crimes,@ such as prostitution and illegal gambling unless complaints about these activities originated from outside the department

(Skolnick & Fyfe, 1993:180). Though it is not possible to test the potential influence that Murphy's administration may have had on the misconduct patterns of the NYPD, it is possible that his policies led to a rapid decrease in misconduct in the immediate aftermath of the *Serpico* scandal. However, as the institutional memory of *Serpico* and the resulting Knapp Commission may have decreased over time, misconduct may have increased to pre-Knapp levels, reaching a peak in 1987. The rapid decline in police misconduct after 1987 may have been caused by either environmental or organizational conditions or by a combination of both. It may be the case that opportunities for police misconduct may have diminished in the police precincts. It may also be that the observed decline in misconduct was a function of the vigor with which the NYPD has attempted to detect and sanction police malpractice over time.

Given that the initial HLM model showed significant variation in police misconduct over time, a subsequent hierarchical linear model was estimated to test the research hypothesis:

**H2:** *Variations in community structure (i.e., per capita income, percentage minority population) and public crime (homicide, FBI index crimes) will predict variations in police misconduct within police precincts over time.*

Several models were estimated to test this research hypothesis. First, we examined the relationship between the homicide rate, per capita income, and minority populations, and police misconduct. Next, we re-estimated the model, substituting the index crime scales (property crimes, and violent crimes) for the homicide rate, while controlling for per capita income and minority population. Tables VIII-3 and VIII-4 show the results of these analyses.

Table VIII-3: Hierarchical Poisson Estimates of the Influence of Homicide, per Capita Income, and Percent Minority Population on Within- Precinct Police Misconduct in New York City (No Control Variables Included)

<i>Fixed Effects</i>				
Predictor	Coefficient	S.E.	T-ratio	P-level
<u>For base rate, <math>\vartheta_{0i}</math></u> Intercept, $\beta_{00}$	-5.955	0.067	-87.87	<.001*
<u>For linear change, <math>\vartheta_{1i}</math></u> Intercept, $\beta_{10}$	-0.001	0.018	-0.041	.968
<u>For quadratic effect, <math>\vartheta_{2i}</math></u> Intercept, $\beta_{20}$	-0.019	0.002	-9.029	<.001*
<u>For Spatial Autocorrelation, <math>\vartheta_{3i}</math></u> Intercept, $\beta_{30}$	0.077	0.080	0.961	.337
<u>Time-Varying Covariates</u>				
Homicide Rate, $\beta_{40}$	3.98	.060	2.54	.027**
per Capita Income $\beta_{50}$	-1.81	.642	-2.82	.005*
Precinct Minority Population, $\beta_{60}$	0.84	.002	2.37	.019**
<i>Variance Components</i>				
Parameter	Estimate	$X^2$	P-level	Reliability
Var ( $\vartheta_{0i}$ ) $\sigma^2$	0.122 1.649	124.80	<.001	.533

<sup>1</sup>A summed index that includes felony assault, robbery, homicide, and rape  
\*p# .01; \*\*p< .05

Table VIII-4: Hierarchical Poisson Estimates of the Influence of Index Crime, per Capita Income, and Percent Minority Population on Within- Precinct Police Misconduct in New York City (Control Variables Included)

<i>Fixed Effects</i>				
Predictor	Coefficient t	S.E.	T-ratio	P-level
<u>For base rate, <math>\vartheta_{0i}</math></u> Intercept, $\beta_{00}$	-5.955	0.067	-87.87	<.001*
<u>For linear change, <math>\vartheta_{1i}</math></u> Intercept, $\beta_{10}$	-0.001	0.018	-0.041	.968
<u>For quadratic effect, <math>\vartheta_{2i}</math></u> Intercept, $\beta_{20}$	-0.019	0.002	-9.029	<.001*
<u>For Spatial Autocorrelation, <math>\vartheta_{3i}</math></u> Intercept, $\beta_{30}$	0.077	0.080	0.961	.337
<u>Time-Varying Covariates</u>				
Violent Crime Index, $\beta_{40}$	2.13	.660	3.23	.001*
Property Crime Index, $\beta_{50}$	1.54	.554	2.10	.037**
per Capita Income, $\beta_{60}$	-0.84	.002	-2.37	.019**
Percent Minority Population, $\beta_{70}$	1.81	.010	2.82	.005*
<i>Variance Components</i>				
Parameter	Estimate	$X^2$	P-level	Reliability
Var ( $\vartheta_{0i}$ )	0.122	124.80	<.001	.533
$\sigma^2$	1.649			

\*p# .01; \*\*p< .05

As the data in Tables VIII-3 and VIII-4 show, the findings from both model estimations support the research hypothesis that indicators of community structure have predicted variations in police misconduct over the study period. The conflict literature suggests that geographic areas having high percentages of minority populations (Blalock, 1967; Jackson, 1989; Liska, Lawrence, and Benson, 1981) and low per capita income levels (Jacobs & Helms, 1997) may be characterized by police-citizen as residents place increased service demands on the police, while being resentful of the (real or perceived) associated increases in coercion. The public safety perspective (i.e., Fyfe, 1980) suggests that increases in public crime across and within communities create opportunity structures for police misconduct, generally in the presence of decreased mechanisms of informal social control (see also: (Reiss, 1971; Sherman, 1990; Skolnick, 1966; Skolnick and Fyfe, 1993).

## LOCAL POLITICAL CULTURE AND POLICE BEHAVIOR

As suggested earlier, there exists in some circles a belief that adherents of community-oriented policing are more likely than adherents of vigorous, enforcement-oriented styles of policing to punish harshly officers who engage in non-profit abuses of citizens. Especially during the last half of the period covered by this study, the NYPD moved between these styles. Mayor David Dinkins and his two police commissioners, Lee P. Brown and Raymond W. Kelly, were strong advocates of community-oriented policing. Dinkins's successor, Rudolph Giuliani, who eschewed community-oriented policing, won his reputation and his office as a no-holds-barred crime fighter, and frequently was accused of tolerating police excess in the name of law and order (Grunwald, 1999; McArdle and Erzen, 1998; Riverdale Press, 1997). Thus, assuming that Mayor Dinkins would be less tolerant than Mayor Giuliani (or Mayor Edward Koch) of police brutality, we generated the following hypothesis:

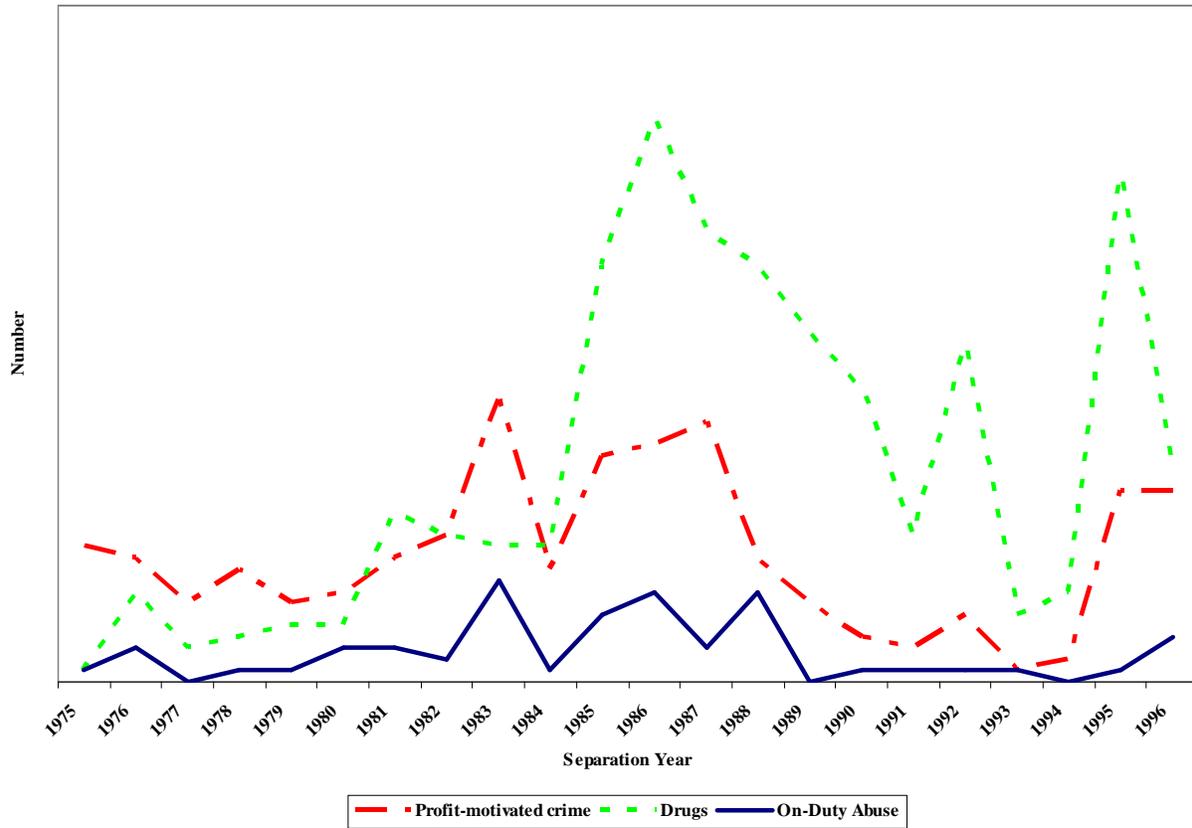
**H3:** *The rate of involuntarily separations for brutality and other non-profit abuse of citizens was greater during the administration of David Dinkins than during either the Koch or Giuliani administrations.*

Conversely, to test a widespread perception about police misconduct other than brutality, we hypothesized:

**H4:** *Rates of involuntary separation for reasons other than brutality and non-profit abuse were greater during the administration of Rudolph Giuliani than during either the Koch or Dinkins administrations.*

As Figure VIII-2 illustrated earlier, a total of 119 involuntary separations included some allegation of on-duty abuse of citizens. Thus, over the 22 years studied, slightly more than five officers per year (5.4) were removed from the department for charges that included

Figure VIII-4: Primary Charge by Year



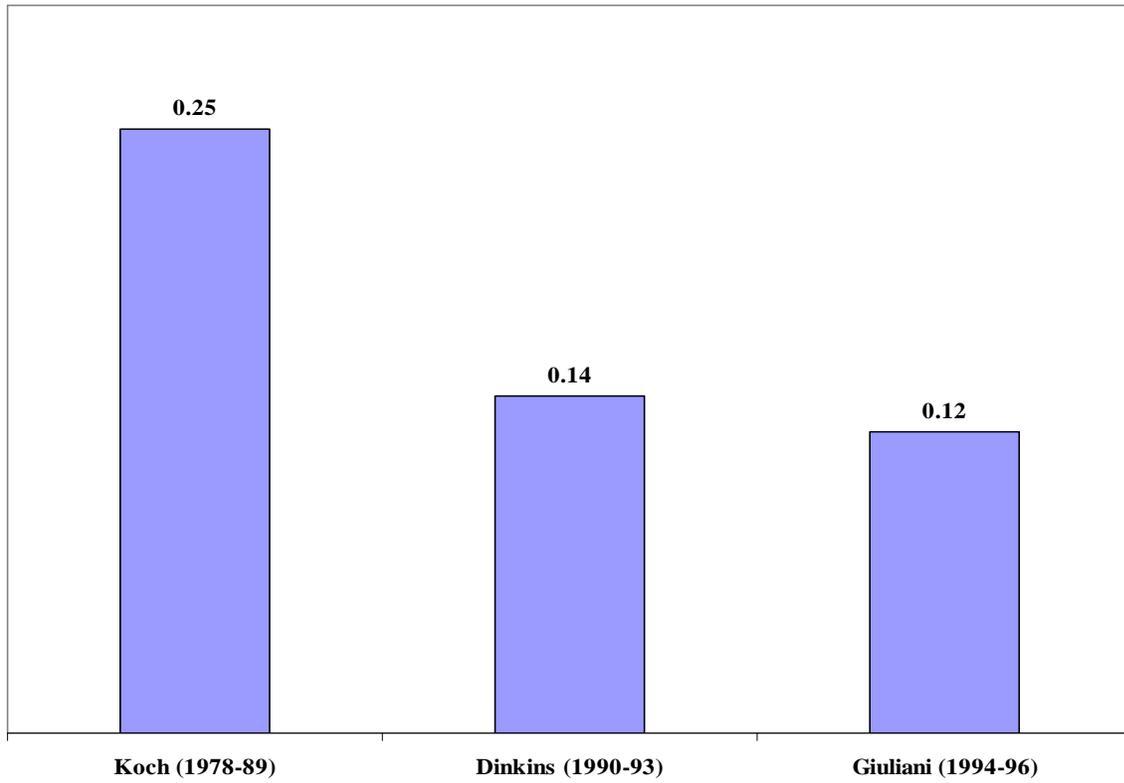
brutality or related offenses. During these same years, 1,424 officers were separated on charges that did not include brutality (67.4 per year). The data in Figure VIII-4 show that separation frequencies peaked during the 1980s, in the administrations of Mayor Edward Koch and Police Commissioners Robert McGuire and Benjamin Ward. Separations for charges including on-duty abuse peaked during the period 1983-88, when the NYPD released 54 officers for such wrongdoing. During the four years of the Dinkins administration, (1990-93), 15 officers were fired for charges that included on-duty abuse, while 13 were dismissed on such charges in the three years of the Giuliani administration covered by our data.

Figure VIII-5 translates these numbers, as well as those that test **H4**, into annual rates per 1,000 officers, for the three mayoral administrations included in our two hypotheses. The figure demonstrates that, when controlling for the size of the NYPD=s personnel complement,<sup>73</sup> the disparity between abuse separations during the Koch administration and those during the administrations of his two successors remains. The rate during the Koch years (0.25 per 1,000 officers) is about twice as high as the Dinkins and Giuliani rates (0.14 and 0.12, respectively). Thus, the data cause us to reject **H3**: there is little or no difference between the rates of dismissals for on-duty abuse rate of dismissals in the Dinkins and Giuliani years. Further, the rates during both these periods were much lower than was the case while Edward I. Koch was New York=s mayor.

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<sup>73</sup>The NYPD averaged 26,795 officers annually during the Koch administration; 26,955 during the Dinkins administration; and 34,964 during the Giuliani years.

**Figure VIII-5: Mean Annual Rate per 1,000 Officers of Separations for On-Duty Abuse, by Mayor**



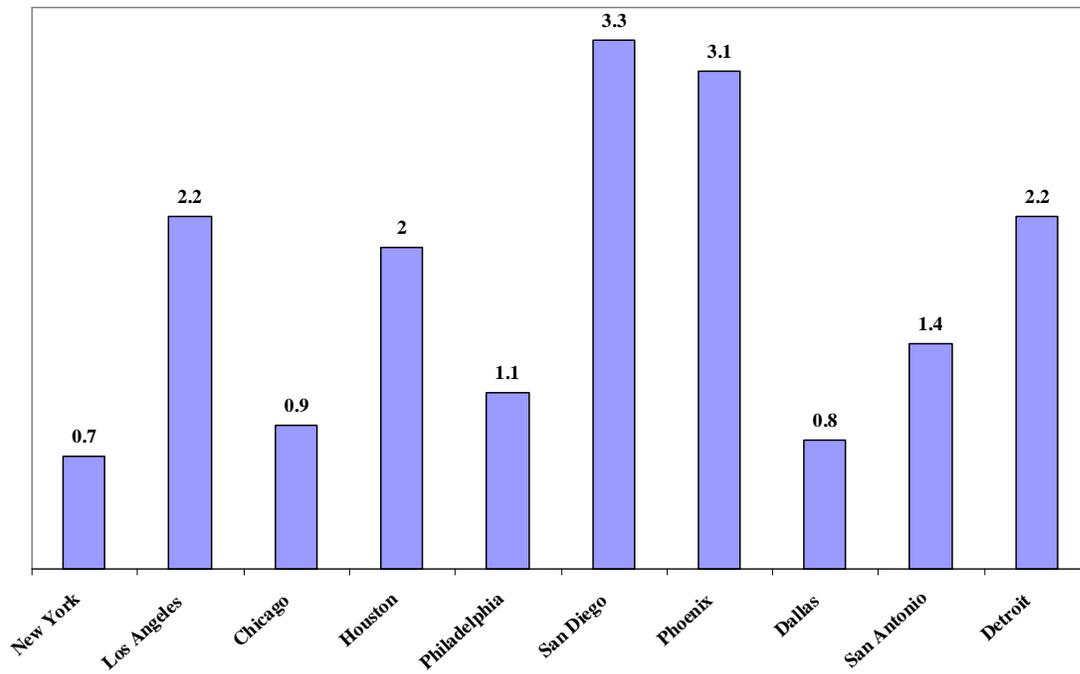
The same figure compels us to reject **H4**. Here, the presentation shows that, during the Koch administration, officers were separated from the NYPD for reasons that did not include on-duty abuse at an annual rate of 2.88 per 1,000 officers. The comparable rates for the Dinkins and Giuliani administrations are 1.72 and 1.88 per 1,000, respectively. Thus, it is clear that, both in terms of raw numbers and absolute frequencies, far more officers were forced out of the NYPD during Edward I. Koch's 12 years in office than was true of either the Dinkins or Giuliani administrations.

#### Why So Few Dismissals for Abuse?

One aspect of these data that may merit discussion is the overall frequency of separations related to on-duty abuse. During the years covered by our study, the NYPD employed about 78,000 officers and separated 119 on charges that included on-duty abuse. Readers most familiar with the NYPD through reportage of its scandals may be surprised at the disparity between these numbers. One factor that may help to explain them is the relative infrequency with which NYPD officers use force of any kind. Paul Chevigny has noted that the NYPD has not been known for widespread abuses, and that its administrators have long devoted great effort to controlling street-level officers' discretion (Chevigny, 1995). There is considerable evidence that these efforts have proven successful in minimizing NYPD officers' use of both legitimate and illegitimate force.

Figure VIII-6 is derived from a recent *Washington Post* series (Washington Post, 2001), and presents rates of fatal shooting per 1,000 officers in the ten largest U.S. cities during 1990-2000. The figure shows that the NYPD, with an average annual fatal shooting rate of 0.7 per 1,000 officers is the lowest in this group, a position it generally has held for

Figure VIII-6: Mean Annual Fatal Shooting Rates per 1,000 Officers in Ten Largest U.S. Cities, 1990-2000



Source: Derived from the *Washington Post*, July 1, 2001.

the last generation (see, e.g., Matulia, 1981,1985;Geller and Scott, 1992). Thus, where this most extreme type of police force is concerned, the NYPD is at the bottom the scale.<sup>74</sup>

A decade ago, in preparation for a Congressional investigation into police excesses, the Civil Rights Division of the U.S. Justice Department prepared data that may speak to the frequency of illegitimate police force in New York City during the period we studied. Figure VIII-7 presents mean annual rates of civil rights complaints to the U.S. Justice Department per 1,000 officers across the ten largest cities during 1985-90.<sup>75</sup> Again, the data indicate that the rate in New York City (0.5) is the lowest, with scores for the other cities ranging from 0.9 in Detroit to 14.4 in San Antonio. Thus, to the extent that the infrequency of separations for on-duty abuse are a surprise, it is likely that they reflect low rates of use of force, both legitimate and allegedly illegitimate, that may also surprise some readers.

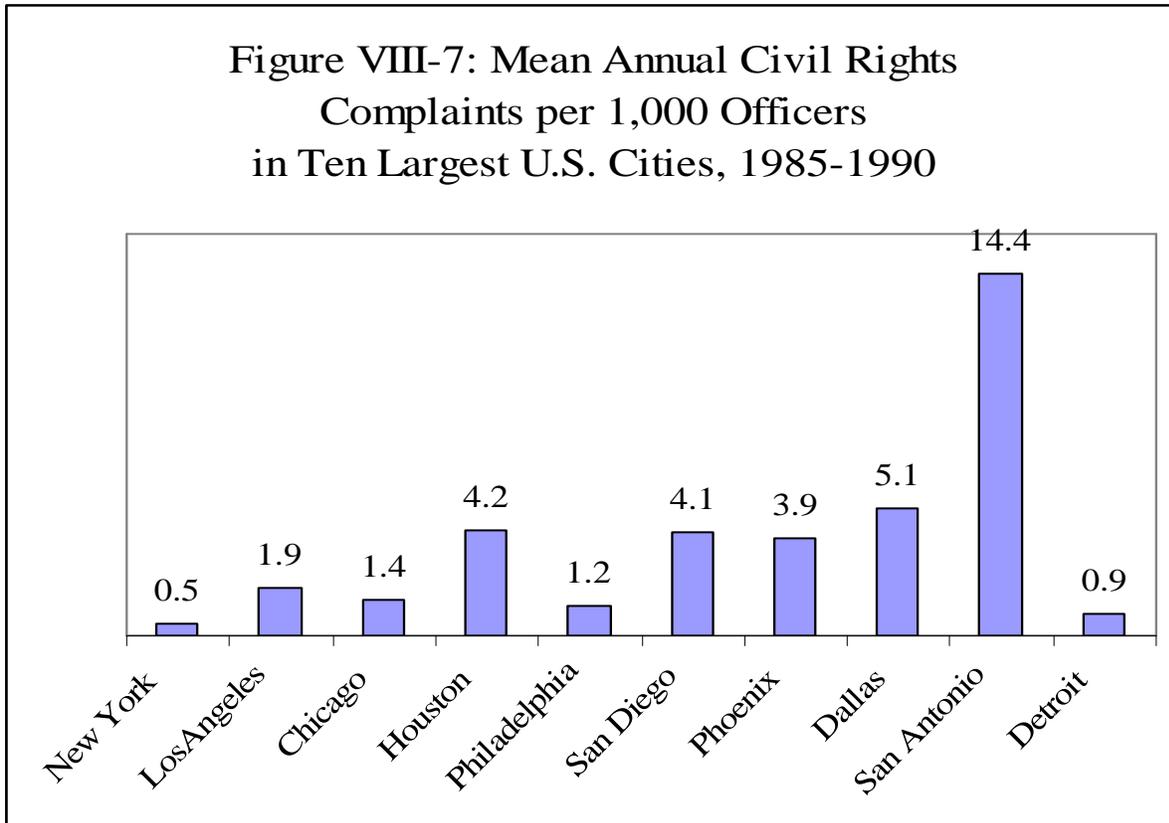
Prosecutorial Difficulties. Another probable explanation of the low separation rate for on-duty abuses is the difficulty of prosecuting such cases, either in the courts or in the NYPD=s administrative proceedings. Many of the other offense categories in our study present prosecutors only with the challenge of proving only that the accused committed the acts with which they are charged. Under no circumstances are officers permitted to traffic or sell drugs,

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<sup>74</sup> To our knowledge, no comparative data on lesser uses of force are available from any source.

<sup>75</sup> In its report to Congress, the Justice Department included simple frequencies. Skolnick and Fyfe (1993:213-214) standardized these by calculating the mean annual rates per1,000 officers presented in Figure VIII-7.

Figure VIII-7: Mean Annual Civil Rights Complaints per 1,000 Officers in Ten Largest U.S. Cities, 1985-1990



Source: Jerome H. Skolnick and James J. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York, : Free Press, 1993) pp.213-214; derived from U.S. Department of Justice, Civil Rights Division, Criminal Section, A Police Brutality Study FY 1985-FY1990, @ (April 1991: unpublished manuscript), App. A-4.

to beat their spouses, or to accept money other than their paychecks, so that merely demonstrating that such acts occurred is sufficient to result in dismissal. But on-duty officers are permitted, and even required, to use force when necessary, so that merely proving that a use of force occurred means nothing. Instead, criminal and departmental prosecutors must also show that the force used was in excess of that which was reasonable and necessary under the circumstances. This typically requires prosecutors to prove a negative: that, at the instant officers employed force, the degree of force they used was not reasonably necessary to defend themselves and/or to take suspects into custody.

This is a very challenging burden, and it does much to explain why separations for excessive force typically have occurred only in cases in which evidence of abuse has been indisputable. Absent the now famous videotape shot by amateur cameraman George Holliday, the beating of Rodney King would have been written off as a case of necessary force against a large and threatening felon. In New York, the Abner Louima atrocity resulted in convictions and dismissals only because there was no reasonable explanation for the wounds inflicted on Mr. Louima. A ruptured colon and bladder suffered when he was forcibly sodomized with a stick. But the more common allegations of beatings on dark streets or in police station backrooms frequently devolve into swearing contests between complainants and officers who claim that they used only reasonable and necessary force. Absent objective evidence of what happened, these complaints almost invariably end in findings of "not sustained," and never get to either the department's Trial Room, or the criminal courts.

Police Solidarity. The ambiguity concerning on-duty abuse creates another prosecutorial difficulty. As we began our research indeed, during the week immediately

prior to the Louima atrocity B we conducted three focus groups, one each for patrol officers, patrol sergeants, and patrol precinct commanders. The consensus among all three groups was that, while there was virtually no tolerance among patrol officers for profit-motivated misconduct on the part of their peers, there was a tendency for officers to be more forgiving where excessive force was concerned. All three groups told us that any officer who engaged in money corruption or drug-related misconduct could expect to be quickly reported to internal investigators. Where on-duty abuse was concerned, all three groups told us that there existed a regrettably higher degree of tolerance among the ranks. This evidenced itself with events that began a few days later, when investigators found apparent collaboration by patrol officers to shield one or more of their colleagues from accountability in the Louima matter (McAlary, August 13, 1997). The response to this case included an internal investigation that won awards for its thoroughness and for penalizing those involved in concealing this episode, as well as policy changes mandating dismissal for false statements, and has no doubt affected this view. Still, it should be no surprise to observers of the police that there may exist a greater degree of tolerance among police ranks for excessive force B which can be treated as overzealousness B than for greed-induced money corruption. To the extent that it continues to exist in the NYPD *post-Louima*, it certainly complicates the prosecution of brutality cases.

## POLICE SOCIALIZATION, TRAINING, AND POLICE BEHAVIOR

We generated several hypotheses designed to test the relationship between various aspects of police training and rates of involuntary separation. These included the following:.

**H5:** *Rates of involuntary separation for corruption, brutality, and other forms of misconduct are positively associated with the size of Police Academy recruit training cohorts.*

**H5a:** *The rate at which new officers are involuntarily separated as unsatisfactory probationers is inversely correlated with the size of Police Academy recruit training cohorts.*

**H6:** *Rates of involuntary separation for corruption, brutality, and other forms of misconduct are inversely associated with the rigor and intensity of recruit training, as measured by:*

**H6a:** *numbers of hours of training;*

**H6b:** *rates of involuntary separation for academic and physical failure, and for disciplinary reasons.*

As it turned out, our ability to adequately test these hypotheses was limited. **H5a** and **H6b** proved untestable because it was impossible to distinguish with precision recruits who had been involuntarily separated (by termination or by resignation in lieu of termination) from those who simply resigned for legitimate personal reasons and/or because they believed that they were en route to failure in the Police Academy or in a scheduled drug test. In every recruit class, some unknown number of officers leave voluntarily and in good standing, rather than face termination for failing an upcoming drug test or written or physical examination. **H6** and **H6a** proved untestable because of the imprecision or absence of Police Academy records concerning the number of training hours for most of the years in our study. We also encountered a methodological problem that, as far as we B and all the experts with whom we

have spoken B can determine makes it impossible to test *H5* in a way that would satisfy methodological purists.

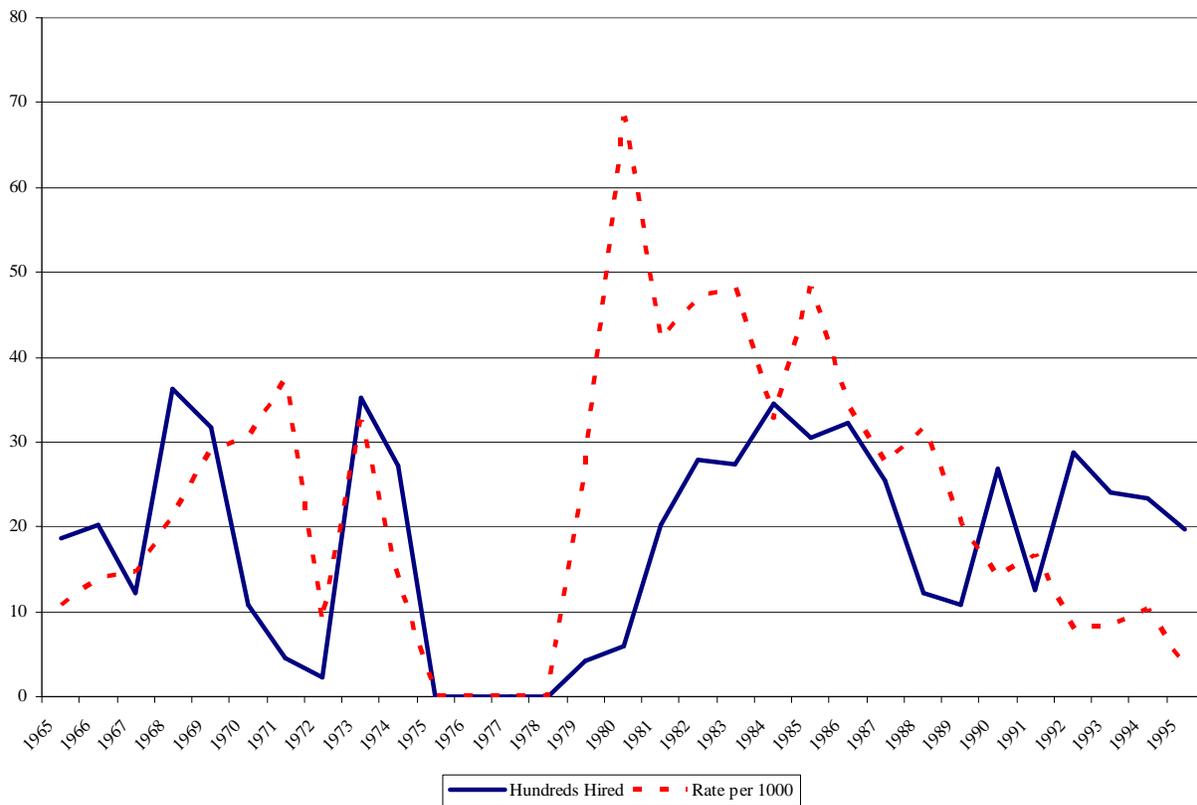
The problem, in a nutshell, is that we have studied two different cohorts of officers. We have collected data on officers who were separated during 1975 through 1996, but who were hired as far back as 1946. This makes it impossible to determine the relative risk of separation across the recruit classes included in our data because the earliest among them entered police service a full 29 years before the start point for our separation data. Since the average length of service before separation among our study officers is far less than this (6.8 years including officers who entered the NYPD before 1/1/75; 3.7 including only officers hired after 1/1/75),<sup>76</sup> there is no way to compare the experiences of pre-1975 classes with those hired later. Similarly, comparison of the histories of recruit classes hired late in our study with those who were hired early, and who thus experienced many years of exposure to the risk of being separated, is imprecise.

Even absent the ability to provide reliable answers to these research questions, they are among the most important in our study and, therefore, warrant close examination. We begin this in Figure VIII-8, which presents data on officers hired during 1965 through 1995 (thus including 1472, or 95.4%, of our 1,543 study officers). The solid line on the chart shows that the annual number of officers hired by the NYPD (presented in hundreds) has varied dramatically over the years studied, ranging from none at all during the 1975-1978 fiscal crisis

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<sup>76</sup> The difference between these two averages, of course, is largely attributable to the exclusion from our pre-1975 hires of officers whose careers ended early.

**Figure VIII-8: Officers Hired 1965-1995 and Class Separation Rates During 1975-1995**



to a peak of 3,444 during 1984. As one would expect, in large measure because of varying periods of exposure to risk of separation among these annual cohorts, the separation rates also vary dramatically. But even between cohorts that are closely placed, there are great differences. The class of 1972 had a rate of 8.73 per thousand officers (two of 229), while the classes of 1971 and 1973 have been separated at rates that are four or more times higher (37.36, based on 17 separations among the 455 member 1971 class, and 32.59, for 115 separations among the 1973 cohort). The rate then dips again in 1974, to 13.62 (37 of 2,716). Another dramatic change in rates occurs between the 1979 and 1980 classes: the former had a rate of 26.57; the latter has a rate of 68.33. Clearly, therefore, there are variations in these rates that are not explained by differential exposure by virtue of different lengths of service during the period studied.

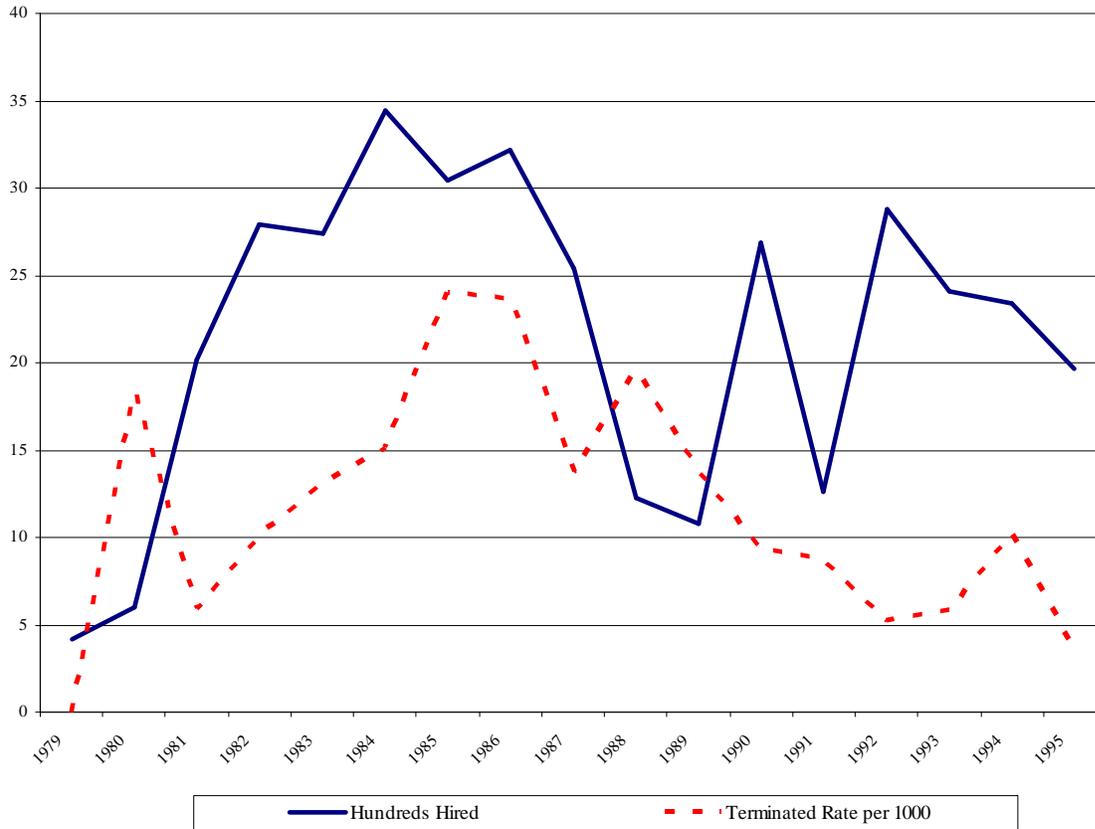
Our data indicate that most involuntarily separated officers leave the NYPD in the first few years of their careers. Figure VIII-9 presents the years in service among involuntarily separated officers who were hired between 1979<sup>77</sup> and 1996. Half (521, or 50.4%) of the 1,033 officers represented on the figure were separated during their first three years in the department. Nine in ten (908, or 90.2%) of the separations shown on the figure occurred during officers= nine years on the job.<sup>78</sup> Thus, our examination of the extent to which

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<sup>77</sup> Recall that the NYPD hired no officers during 1975-78.

<sup>78</sup> As shown on this figure, the decrease in separations as years in service increase is attributable in part to the fact that many of the officers included in the figure were parts of classes that, by our 1996 end date, had served only short periods of time. No matter how the data are cut, however, they show a very similar pattern: the careers of the majority of officers who are separated end within a decade of their appointments to the department.

**Figure VIII-9: Recruit Class Size and Probationer Separation Rates, 1979-95**



variations in class size may have contributed to differences in class separation rates excludes all officers who entered the NYPD prior to our study's 1975 start date.

### Variation by Class Year

Our test of **H5** began with the decision to treat *year of appointment to the NYPD*, rather than *date of appointment*, as our unit of analysis. We did this on the logic that, while more than one recruit class frequently has been appointed during a single year, these cohorts frequently overlapped with, or were merged into, each other. At the extreme, for example, the NYPD hired new classes of officers in January, February, March, April, May, June, July, September, and October 1968. In 1985, the department hired new groups in January, June, and July; in 1987, new classes entered in January and April. Because these cohorts attended the Police Academy alongside others, rather than one at a time, it is unrealistic to treat them as discrete classes.

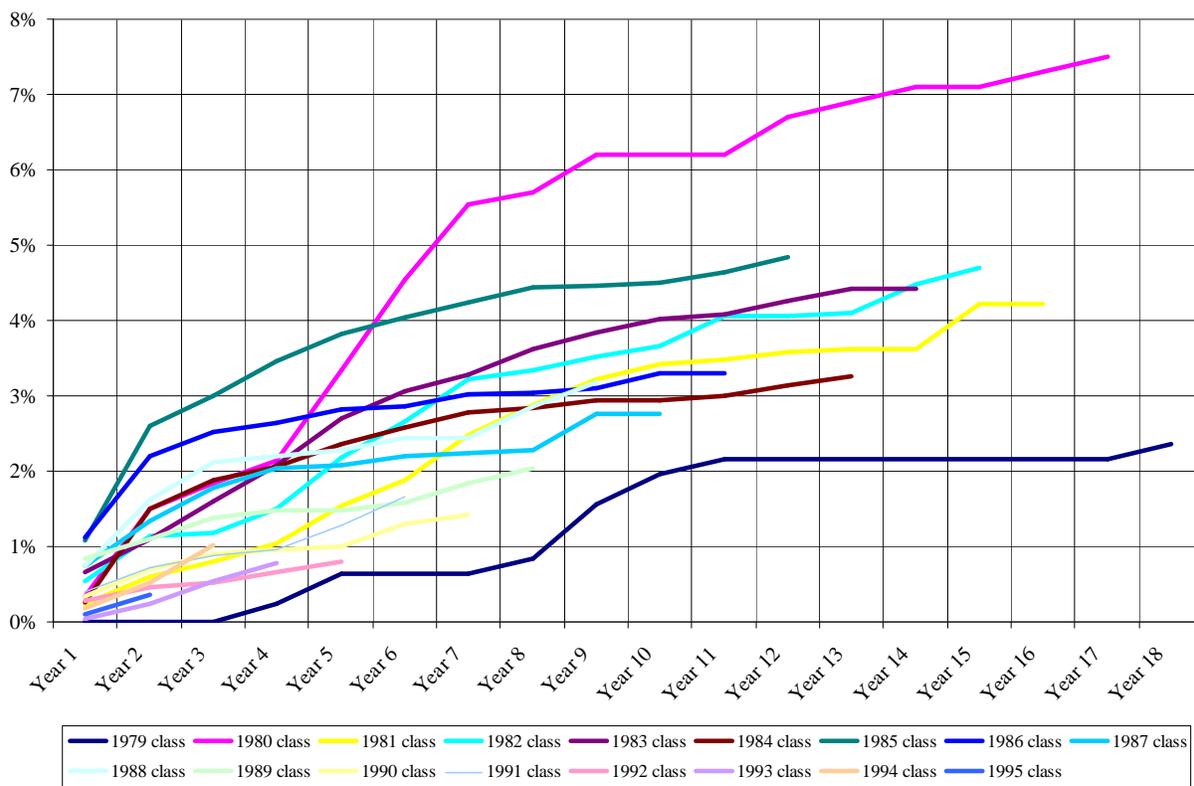
We then calculated annual involuntary separation percentages for each annual cohort appointed during 1979-1995.<sup>79</sup> These are illustrated in Figure VIII-10, which shows them in a cumulative format.<sup>80</sup> The figure's tracks show some significant variation among the groups, during its first three years in the NYPD, and had lost only one in 40 of members (2.37%) over the 18 years included on the figure. The 1980 class, by contrast, lost one in 50 with the two

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<sup>79</sup> No officers appointed in 1996 had been separated by our study's 12/31/96 end date.

<sup>80</sup> To ease interpretation, we added vertical, Axis X, gridlines to this figure. To track each class's experience on black and white versions of the figure, begin on its right side with the Year 18" gridline. The only class whose track crosses this line is the 1979 class (the only one of our cohorts in its 18<sup>th</sup> year by the study's end date). The trend line that ends after it crosses the Year 17" gridline is the 1980 class; the line ending at Year 16" represents the 1981 cohort, and so on.,

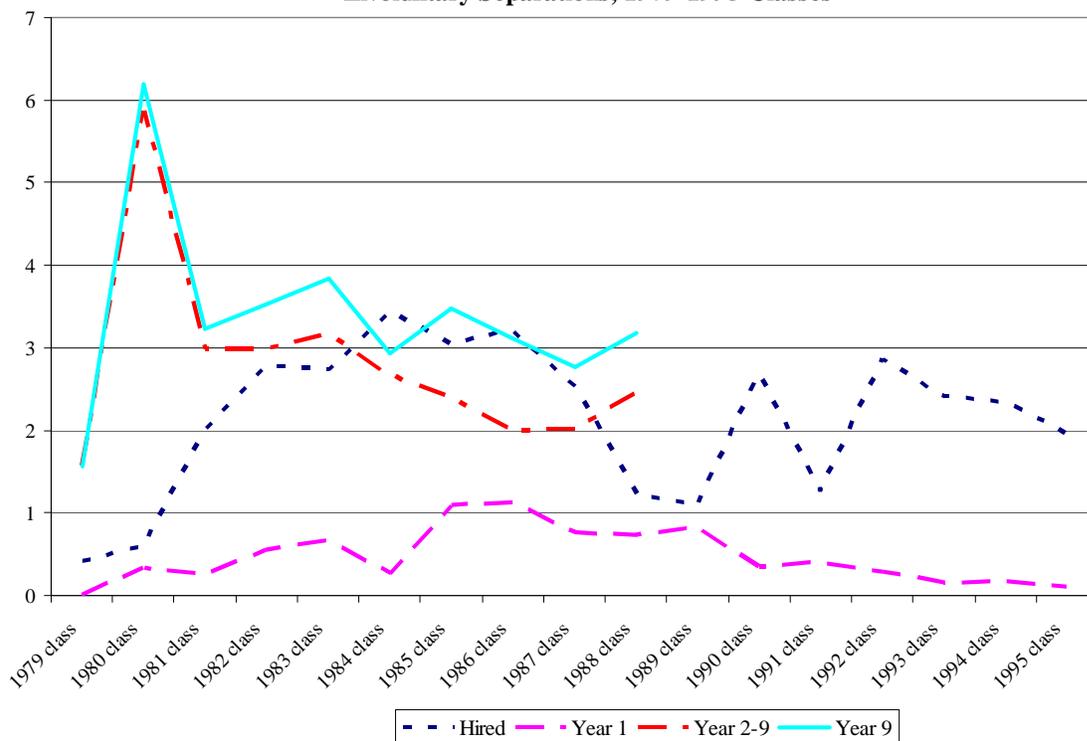
**Figure VIII-10: 1979-95 Classes' Cumulative Percent Involuntary Separations, Career Years 1-18**



extremes consisting of the 414-member 1979 class and the 600-member 1980 class. The former, the first hired in five years, suffered *no* involuntary separations for cause of its original members (1.83%) in its first three years. By its 17th year, it had lost one in every 12 of its original members (7.5%) to dismissals or forced resignations (1979 cumulative percentage by Year 17=2.17).

We attempted in several ways to determine whether this variation was associated with class size, and produced negative results, shown in Figure VIII-11, that cause us to reject **H5**. We calculated a Pearson's correlation measure between class size and cumulative separation rates at Year 1 for all officers appointed during 1979-1995, and produced non-significant results ( $r=.28$ ;  $p=.29$ ). We conducted the same analysis for 1979-1988 classes for cumulative separation percentages at Year 9 and found similar results ( $r=.15$ ;  $p=.68$ ). Finally, to determine whether class size was associated with dismissal rate after the completion of Police Academy training, we tested the relationship between class size and cumulative separation rates during Years 2-9. This also produced insignificant results ( $r=.32$ ;  $p=.37$ ). Thus, it appears that, taken alone, Police Academy class size has no measurable effects on subsequent likelihood of involuntary separation.

**Figure VIII-11: Annual Class Size (in Thousands) and Cumulative Percent Involuntary Separations, 1979-1995 Classes**



## Police Demographics and Representativeness

We generated two hypotheses related to whether two highly interrelated variables B race and officers= place of residence (Fyfe, 1978, 1981b) B were associated with overall department involuntary separation rates:

**H7:** *Rates of involuntary separation for corruption, brutality, and other police misconduct are inversely associated over time with the percentage of non-white officers in the department.*

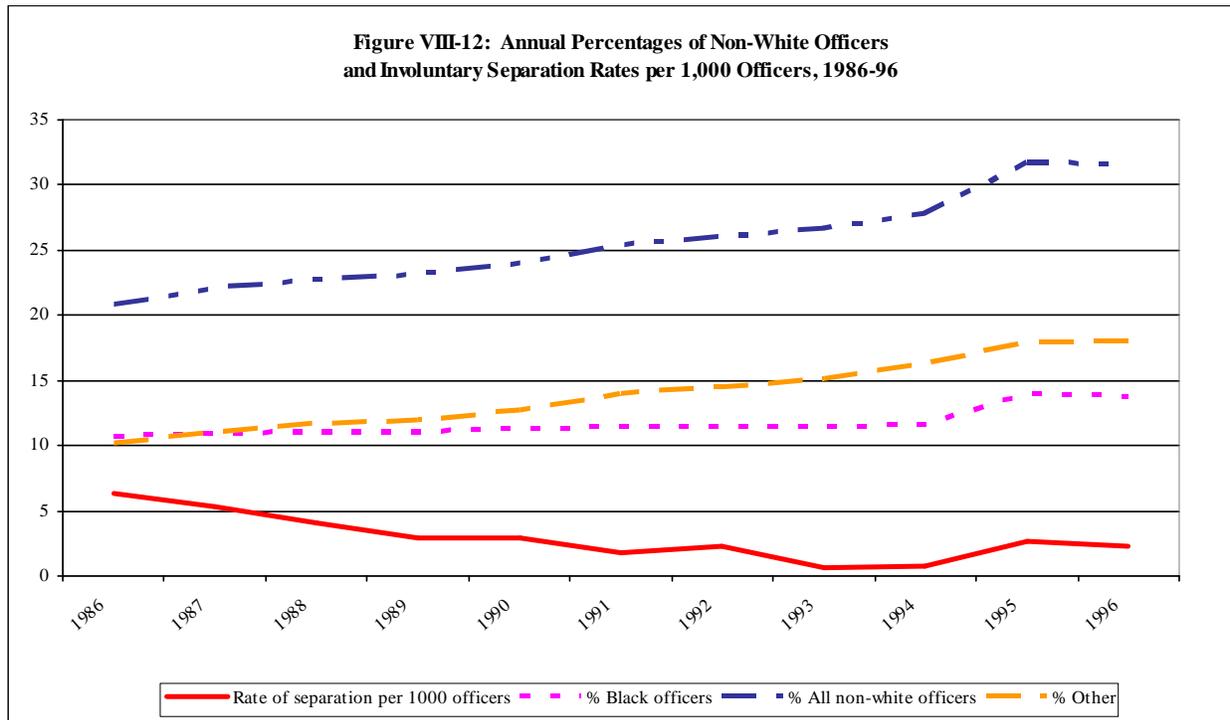
**H8:** *Rates of involuntary separation for corruption, brutality, and other police misconduct are positively associated over time with the percentage of officers who reside outside New York City.*

As it turned out, historical data on officers= residence were extremely questionable. Thus, we were unable to test **H8** but, as the reader will find, we do examine and report on relationships involving residence and separation later in this report.

To test **H7**, we obtained data on the racial composition of the NYPD during 1986-96, excluding 1975-85 from examination because much of the data for those years was no longer available.<sup>81</sup> We then calculated the percentages of non-white officers in the department for

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<sup>81</sup> Our data on officers= race come from two different sources. Since 1990, the NYPD=s Office of Equal Employment Opportunity has annually published gender and race specific data at January 31. The Personnel Bureau=s annual data on gender and race are effective at June 30 of each year, and go as far back as 1986. These data, however, are not rank and race specific. Hence, in some of the analyses included in this report, we have used a combination of EEO data for the years 1986-89 and Personnel Bureau data for the years 1990-96.



each year and, excluding Hispanics, Asians, Pacific Islanders, and Native Americans, calculated the same annual percentages for black officers. Figure VIII-12 shows the results.

Before discussing B and putting in context B the test of this hypothesis, some features of the figure are worthy of note. The figure illustrates, first of all, that blacks have represented about half the department=s population of color, with their relative representation dipping slightly over the years, even though their numbers have grown as a percentage of the department. In 1986, one in five members of the department (20.8%) identified themselves as other than white, with about one in ten (10.7%) classifying themselves as black. By 1996, black officers comprised one in seven sworn personnel (13.7%), while all non-whites were nearly one-third (31.6%) of the department. Thus, the representation of blacks has grown slightly (from 10.7% to 13.7%), but the percentage of other non-white groups (largely Hispanic and Asian) has grown more quickly (from 10.1% to 18.0%).<sup>82</sup>

The tests of our hypothesis show varying relationships between separation rates and our black and total non-white officer populations. The derived Pearson=s r describing the relationship between percentage black and separation rate is not significant ( $r = -.35$ ;  $p=.29$ ).

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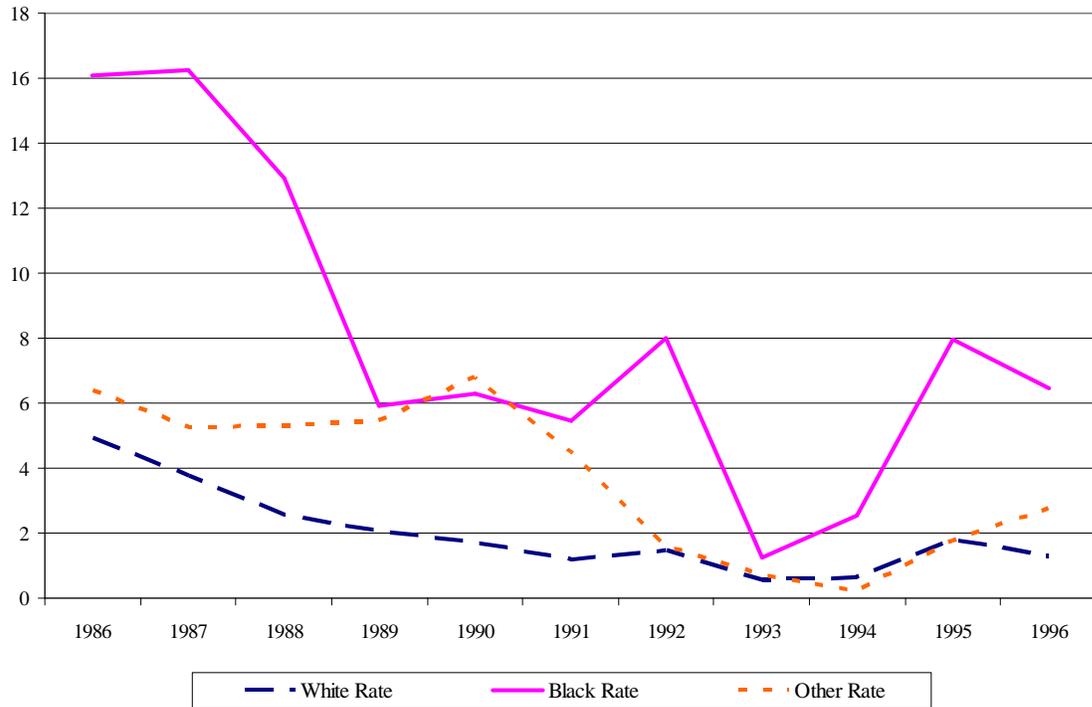
<sup>82</sup> In 1986, the NYPD employed 2,799 officers who identified themselves as black; by 1996, this figure had almost doubled to 5,155. The 1986 NYPD roster included 2,505 Hispanics and 154 Asians; by 1996, the representation of Hispanics had more than doubled, to 6,205, and the number of Asians had more than tripled, to 478. Some percentage of these increases in minority representation is due to the merger of the former, more heavily non-white, Housing and Transit police into the NYPD,

The association between total non-white population also is inverse, but is even stronger ( $r = -.63$ ), and meets our .05 probability level for accepting the hypothesis ( $p=.04$ ).

The relationship between overall separation rate and percentage non-white *other than* blacks is even more strongly inverse ( $r = -.72$ ,  $p=.01$ ), driven largely by an extremely robust, again inverse, relationship between the specific relationship between percentage non-white *other than* blacks and their separation rate ( $r = -.78$ ,  $p=.004$ ; not shown on chart). It appears that, as the numbers of people in *other than* racial groups (including Hispanics, Asians, Native Americans, and Pacific Islanders) have increased in the ranks, they have grown less likely to be involuntarily separated from the NYPD. This experience is the converse of that of whites: the relationship of white percentage in the department to white separation rates is positive ( $r = .65$ ;  $p=.03$ ). The relationship between the percentage of black officers in the department and their involuntary separation rate (also not shown in chart) is non-significant ( $r=0.29$ ;  $p=0.37$ ).

The race-specific separation rates underlying these statistics are shown in Figure VIII-13. Here, we see that rates for all three groups have generally declined over the period studied and that, throughout 1986-96, black rates have almost invariably been higher than those of any other group. The black annual separation rate began at 16.1 per 1,000 officers in 1986, peaked at 16.3 in 1987, and has since trailed downward to 6.5 in 1996. The rate for whites started at 4.9 in 1986, and has constantly decreased to 1.3 in 1996. The rate of other groups started at 6.4 per 1,000 and tracks across the Figure to 2.8 in 1996. Thus, the black rate often has been two or more times higher than the rate for other groups and, over the figure's last five years (1992-96), the rates for whites and other groups have been virtually indistinguishable.

**Figure VIII-13: Annual Involuntary Separation Rates by Race, 1986-96**



What we see here, therefore, is that involuntary separation rates for all racial groups have generally declined in the 1986-96 period. Further, the experience of Hispanic, Asian, and other, more lightly represented but rapidly growing, racial groups has been more like that of white officers than of black officers. This variation between blacks and everybody else may be stated simply: during 1986-96, black officers were more than twice as likely as whites or other groups to have been involuntarily separated from the NYPD. Despite this variation, the absolute frequency of involuntary separations for all racial groups was quite low throughout the period. Even during the worst years, only one in every 61 black officers in the group most likely to be involuntarily separated lost their jobs annually. In more recent years, this has dropped to about one in every 153 black officers, while the rate for all other groups has been one in every 357 per year. This does not paint a picture of epidemic misconduct by any group. We will return later in this report to further discussion of these findings and their causes and implications. For now, however, suffice to say that this is an extremely important finding: it appears that, as the NYPD has become more diverse, it has become significantly better behaved.

### Gender and Involuntary Separation

**H9** posited that:

*Female officers' involuntary separation rate is positively associated over time with the percentage of females in the department.*

We tested this by compiling NYPD gender data for the years 1986-96.<sup>83</sup> As Figure VIII-14 indicates, we found that, as the percentage of females in the department increased over the years, the rate at which they were involuntarily separated decreased ( $r = -.77$ ;  $p = .006$ ). Thus, the hypothesis must be rejected: as female representation in the ranks has grown, women officers have become markedly less vulnerable to involuntary separation.

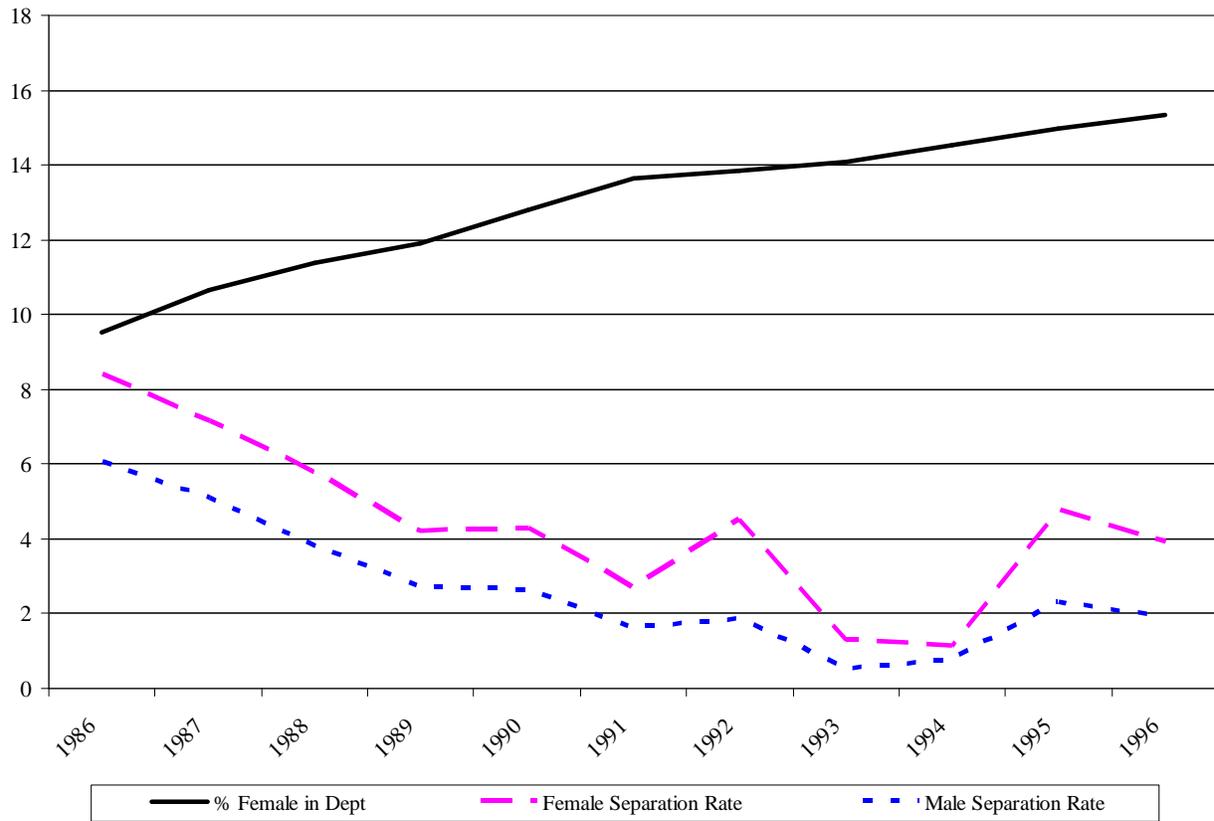
As in the case of the preceding analysis of racial separation rates, however, it is not at all clear that this trend is attributable to any deep-rooted sociological causes involving relations between the genders. We included on the graph a line that tracks the separation rates

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<sup>83</sup> Again, data for 1975-85 were not complete. During these earlier years, 59 females were separated from the NYPD, as follows:

<u>Year</u>	<u>Number</u>
1979	1
1981	5
1982	8
1983	14
1984	2
1985	26

**Figure VIII-14: Annual Involuntary Separation Rates by Gender, 1986-96**



of male officers over the same period. It discloses rates somewhat less than those for females (e.g., from 8.39 and 6.06 in 1986 to 3.29 and 1.91 in 1996, for males and females, respectively), but shows trends for both genders that are almost precisely identical ( $r=.96$ ;  $p=.001$ ).<sup>84</sup> What makes them different, however, is that the separation rates for males have decreased as their representation in the department has decreased, and that, like the rates for Hispanics and Asians, the rates for females have decreased as the percentage of females in the department have increased.

It appears, therefore, that our findings thus far on race, gender, and discipline are heavily influenced by a trend over time to fewer separations generally: as the NYPD had become more diverse, a smaller percentage of its officers of all genders and races has been fired or forced to resign. Only the experience of black officers appears to be markedly different from those of other identifiable groups but, even there, the trend is downward.

#### Gender and Probationary Terminations.

Our hypothesis on this issue is straightforward:

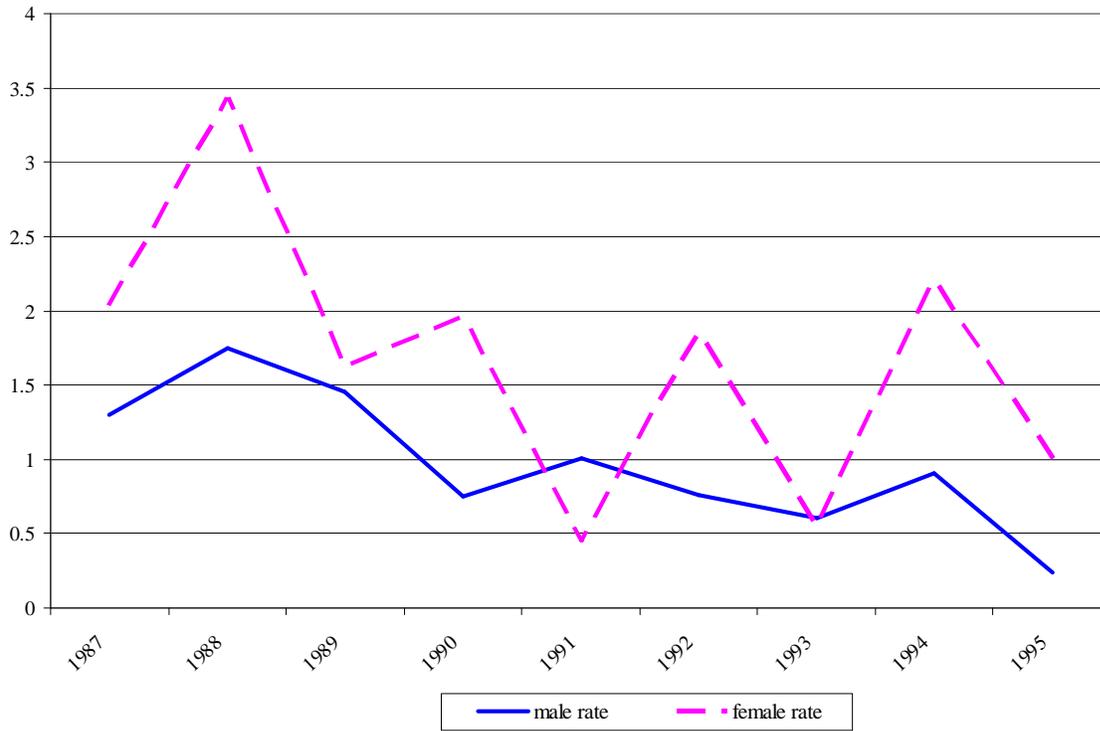
**H10:** *The rate of involuntary separations of probationers is greater among female officers than among males.*

Our test of this hypothesis was limited to the years 1987 through 1995 because, prior to 1987, data on class demographics were extremely spotty. Figure VIII-15 shows the results: in all but two years, the female rate is higher than the male rate. Female probationers were involuntarily separated from the NYPD at annual rates that ranged as high as 3.43 per

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<sup>84</sup> The mean separation rates for male and female officers during 1986-96 were 2.66 and 4.11, respectively.

**Figure VIII-15: Probationary Termination Rates by Gender, 1987-95**



hundred<sup>85</sup> (in 1988) and that, on average, were nearly twice as high as the male rate (1.54 per 100 versus 0.82 per 100). This confirms our hypothesis.

Gender and Corruption. The hypothesis we specified to examine the relationship between gender and police corruption was

**H11:** *The rate of involuntary separations for corruption is greater among male officers than among female officers.*

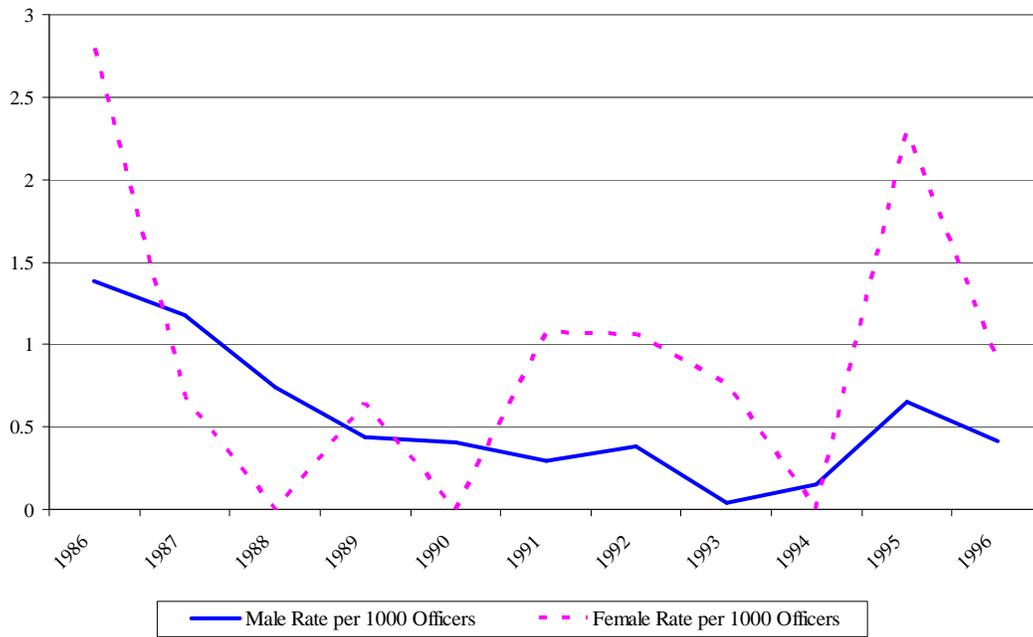
As we indicated earlier, distinguishing what is commonly understood to be police corruption from other forms of profit-motivated misconduct by police officers is a daunting task. When our data are examined to identify officers who had been separated for *bribe receiving*, the prototypical act of police corruption, they clearly confirm our hypothesis: during 1975-96, 65 male officers and two female officers ended their NYPD careers on charges that included bribe receiving.

Because the career-ending corrupt acts in our data include far more than bribery, this offense does not provide a suitable standard for determining whether males or females are involved in entrepreneurial wrongdoing at disparate rates. Thus, we tested the hypothesis by including for analysis cases included in our *profit-motivated* offense category. Again, because of the absence of gender-specific 1975-85 data, our analysis includes only the period 1986-96. It is shown in Figure VIII-16. As is evident from the most cursory examination of the figure, **H11** must be rejected: the female trend is significantly higher than the male trend. Although it

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<sup>85</sup> The base for the rates calculated in these analyses of probationary officers is 100 probationers rather than the base 1,000 we used for other analyses. This is so because there often were far fewer than 1,000 male or female probationers active in the department.

**Figure VIII-16: Rates of Separation for Profit-Motivated Offenses per 1000 Officers by Gender, 1986-96**



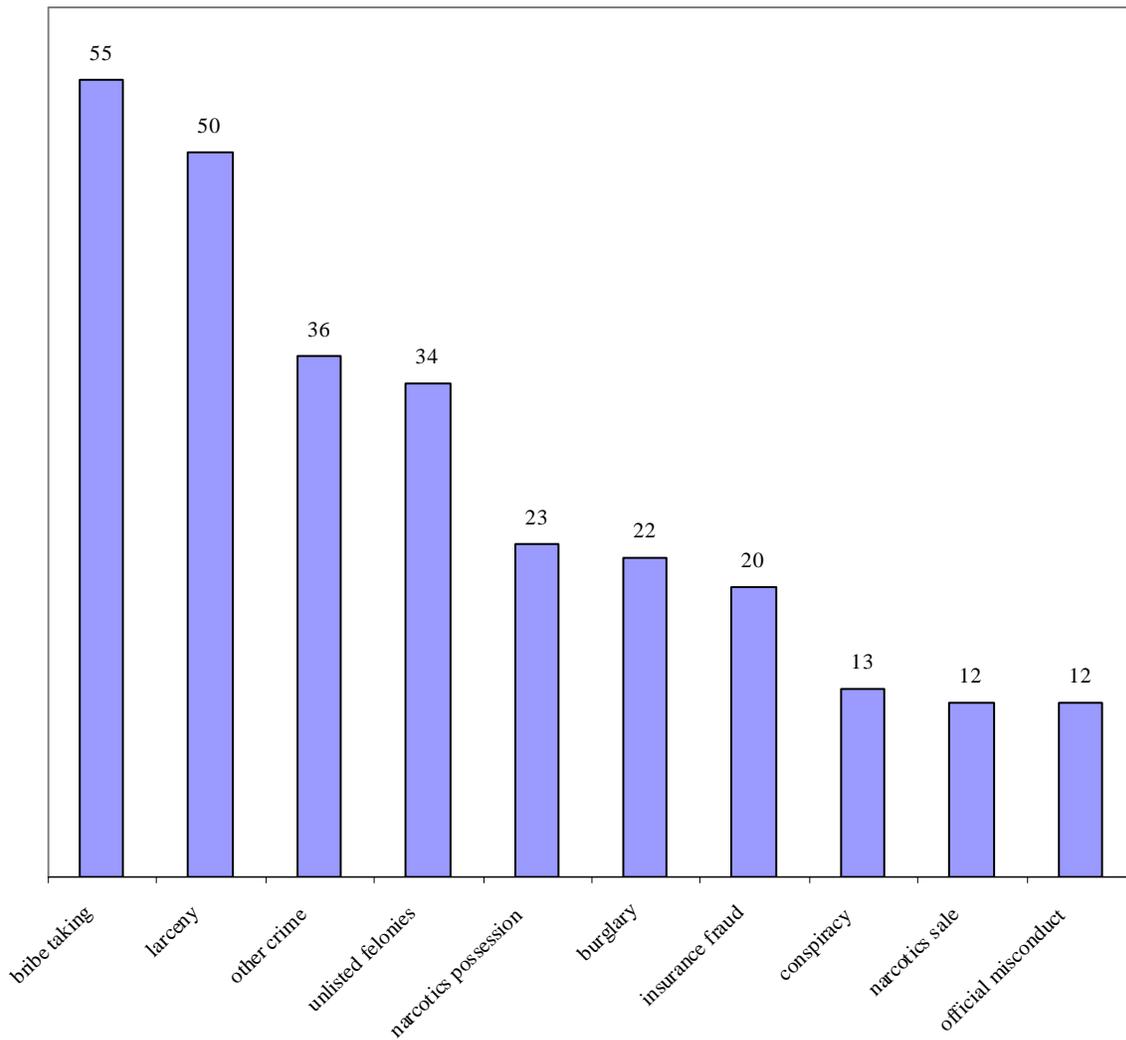
is not shown on the figure, we derived mean annual separation rates per 1000 officers of 0.55 and 0.95 for males and females, respectively.

This finding and these data generally require some further discussion. First, the offenses they include run a broad gamut: Figure VIII-17 shows the ten most frequent primary charges against officers separated for profit-motivated misconduct. It describes only the most severe charges in about three-quarters of the cases, and even these include only a small percentage of the offenses included in the data. Second, the involvement of females in these offenses is more frequently related to narcotics and to misconduct that, while job-related, frequently occurs off-duty (e.g., various frauds and other larcenies) than is true of male officers. Third, as Figure VIII-18 indicates, the rates we have derived conceal great differences between the numbers of male and female separations for profit-motivated misconduct: even though the female *rate* is higher than the male rate, the annual *number* of males separated for profit-motivated misconduct typically far exceeds the number of females separated annually. Fourth, the rates shown here reflect the downside of a pattern that peaked in 1986, when separations for profit-motivated misconduct were at their highest level during the 22 years studied. It was at this same time that narcotics-related separations also reached their highest point. Both these phenomena probably are related to the fact that crack cocaine first made its appearance in New York in 1985, and illustrate the manner in which changes in opportunities for corruption affect its nature and frequency. It was during this period that the

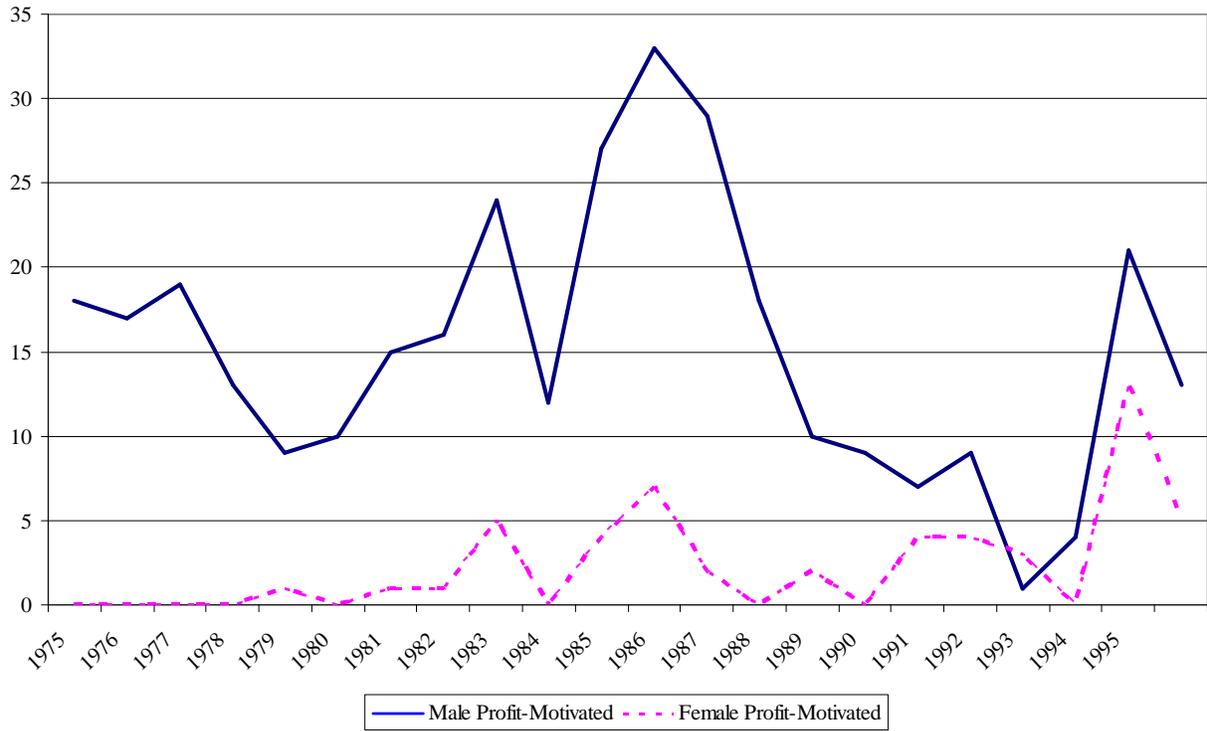
ABuddie Boys@ scandal B the first involving crack cocaine related police corruption

(McAlary,

**Figure VIII-17: Ten Most Frequent Primary Charges against Officers Separated for Profit-Motivated Misconduct, 1975-96**



**Figure VIII-18: Separations for Profit-Motivated Offense by Gender, 1975-96**



1989) B came to light. Finally, 1985 was the year in which the NYPD first began its extensive drug testing programs. This is important because, we observed during our data collection, some of the profit-motivated misconduct included among the cases we studied came to light after officers failed drug tests. In some instances, these were cases in which officers suspected of profit-motivated misconduct involving drugs were subjected to drug tests as a means of testing investigators= suspicions, and of leveraging officers= cooperation in subsequent investigations. In other cases, failures in random or *for cause* drug tests led to investigations that disclosed that officers were involved in profit-motivated misconduct.

Gender and Abuse. The images of the physically violent and intimidating male cop and his kinder and gentle female colleague have been movie and television staples since 1971, when Dirty Harry Callahan was appalled by his department=s attempt to slow him down by assigning him to work with a more reasonable female partner.<sup>86</sup> This popular image has been reinforced by spectacular cases of police brutality. Rodney King was beaten by an all-male group of officers, and the only officer who contradicted the specious accounts of the 20 or more officers who witnessed this event was the only female present. No female officers were involved in the sodomy of Abner Louima, and other controversial use of force by law

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<sup>86</sup> Clint Eastwood fans will recall that, in mixing their message, the makers of *Dirty Harry* killed off Callahan=s partner despite his hyper-aggressive policing style. A generation later, in much the same way, *NYPD Blue*=s aggressive Detective Andy Sipowicz suffered the violent death of his prosecutor wife.

enforcement officers (e.g., the shooting of Amadou Diallo; the bombing of the MOVE residence in Philadelphia) have involved no apparent participation by female officers.

To examine this issue, we hypothesized that:

**H12:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among male officers than among female officers.*

Figure VIII-19 shows the results of our first test of this hypothesis. Contrary to what might expect, the rate per 1,000 officers at which female officers have been separated from the NYPD on charges that included on-duty abuse is nearly twice as high as the male rate (.026 per 1,000 vs. .014 per 1,000). During the 11 years we studied, 44 men (4 per year) and 12 women (1.1 per year) were separated from the NYPD on charges that included on-duty abuse.<sup>87</sup> These data suggest that women and men are not as different in this regard as popular images would have it.

This is not an entirely satisfactory analysis, however, because it includes cases in which lesser forms of abuse (ethnic slurs; discourtesy) were secondary charges in cases in which the major offenses included profit-motivated misconduct and other serious misbehavior. An officer who is dismissed because he or she stole cash or drugs from an arrestee whom he or she also slapped engages in abuse not as a primary offense, but as a means of accomplishing his or her entrepreneurial aims. In such cases, whatever on-duty abuse occurs is merely secondary to officers' purposes and intent.<sup>88</sup>

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<sup>87</sup> Over the entire 22 years 1975-96, 100 men and 19 women were separated in matters that included such charges.

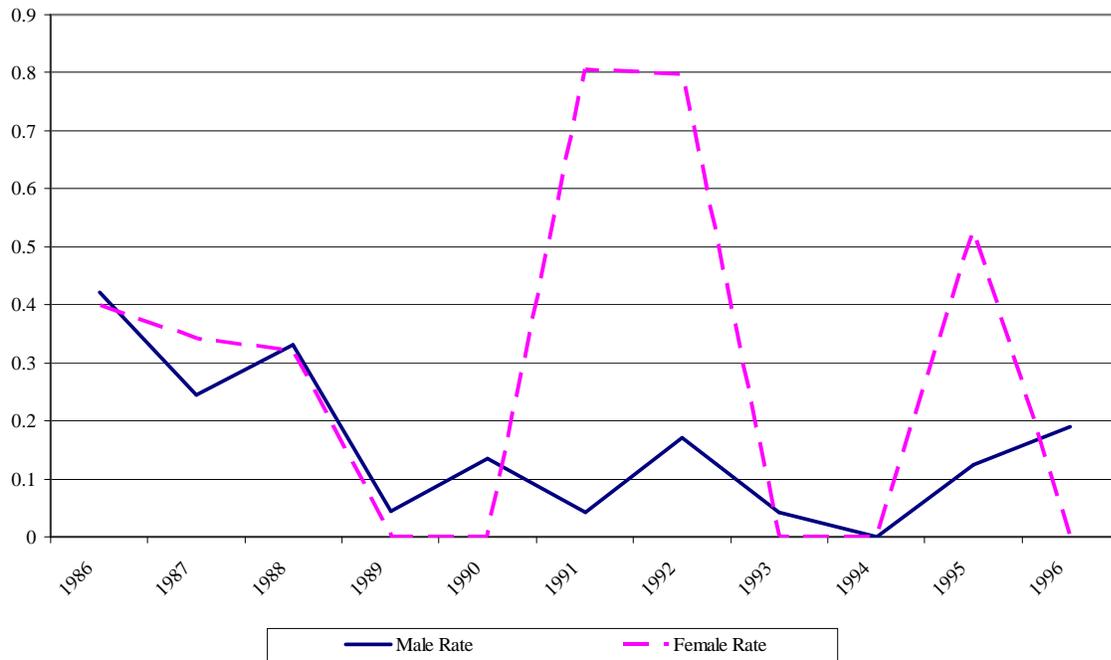
<sup>88</sup> We adopted this posture only in cases involving on-duty abuse. In all our other analyses (e.g., those involving drug-related or profit-motivated offenses), we included for analysis both cases in which such offenses were the primary charge and those in which another offense was the primary charge. We did this because we, and the NYPD, have

Hence, we took a second look at our data, including for analysis only offenses in which the primary, or only, charge against separated officers involved nine varieties of serious on-duty abuse. These included criminal assault; excessive force; race and ethnic slurs; race,

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seen in the data situations in which on-duty abuse was a means of accomplishing other illicit goals (e.g., profit, or drug sales or possession) rather than an end in itself. Other offenses, however, are usually ends in themselves, rather than means to another end.

**Figure VIII-19: Rates of Separations on Charges Including On-Duty Abuse per 1,000 Officers by Gender, 1986-96**



ethnic, and gender discrimination; improper arrest; improper stop and frisk or search; improper summons; and verbal altercation. The data we found were so clear-cut that we did not even cut them at 1986 to account for the absence of gender data in earlier years: we found 33 such cases during 1975-996, *all* of which involved male officers.<sup>89</sup> Thus, we accept the hypothesis: Women may have been more likely than men to be separated on charges that included some sort of abuse B but the *only* officers separated from the NYPD when *the* charge involved on-duty abuse were men.

Gender and Drugs. We posited that:

**H13:** *The rate of involuntary separations for drug test failures and refusals is greater among female officers than among male officers.*

The data illustrated in Figure VIII-20 confirm H13. During 1986-96, 260 men and 72 women were separated from the NYPD for failing or refusing to take NYPD drug tests.<sup>90</sup> These numbers translate to mean annual rates per 1,000 officers of 0.93 for males and 1.71 for females. As the figure shows, this disparity has been constant (female rate exceeds male rate in 9 of 11 years), and has followed a slight downward trend.

Gender and Non-Line of Duty Crime. We posited that:

**H14:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among male officers than among female officers.*

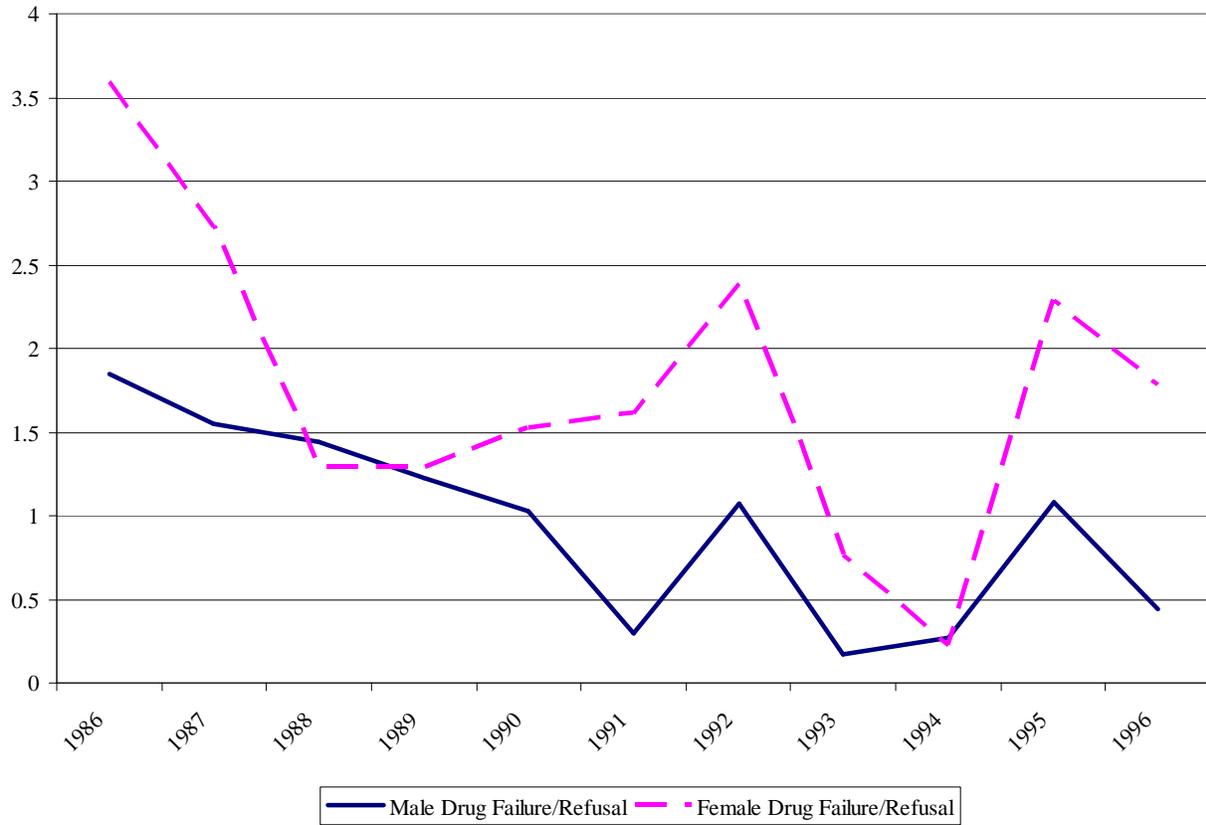
As suggested earlier, it is difficult to distinguish criminal offenses that have occurred in the line of duty from those that did not. Hence, we limited our analysis to two clearly definable classifications of off-duty criminal offenses: crimes of violence, and criminal violations of such public order statutes as disorderly conduct, public intoxication, and driving

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<sup>89</sup> Eleven were misdemeanor assaults; seven were felony assaults; 12 were excessive force; two were discriminatory behavior; and one was a verbal altercation.

<sup>90</sup> Total separations for drug test failures or refusals for 1975-96 are 376 males and 90 females.

**Figure VIII-20: Rate of Separations for Drug Test Failures or Refusals per 1,000 Officers by Gender, 1986-96**



while intoxicated. During 1986-96, this roster included 216 males and 43 females<sup>91</sup> which, Figure VIII-21 illustrates, produces a normed trendline that, with some consistency, is higher than that for males (mean female rate per 1,000 officers=1.02; male rate=0.77). Thus, H14 must be rejected: females are more likely than males to be separated on charges that include these two offense classifications.

Gender and Administrative Rule-Breaking. The NYPD's manuals include myriad rules and regulations that bound officers' behavior, and that serve as the bases for disciplinary charges and dismissals. To test whether there existed any association between officers' gender and rates of separation on charges involving violations of administrative rules not included in our other offense categories, we hypothesized:

**H15:** *The rate of involuntary separations for administrative rule breaking is greater among female officers than among male officers.*

Figure VIII-22 shows that our hypothesis is well-founded. During 1986-96, 359 men and 88 women lost their jobs as New York City police officers on charges that included administrative rule breaking.<sup>92</sup> Overall, the rates per 1,000 for males and females during this period were 1.29 and 2.09, again trending somewhat downward.

#### Gender and Involuntary Separations: A Summary

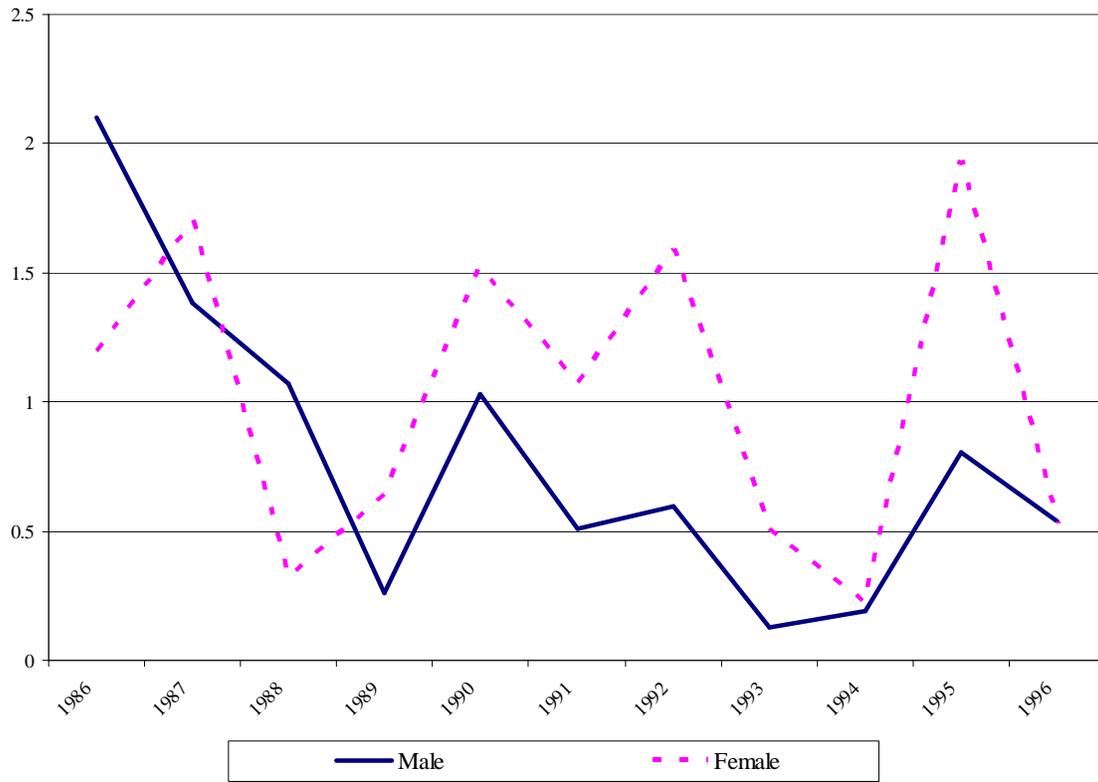
Except for the results of our investigation of probationary terminations (where the 1987-1995 rates per 100 probationary officers were 0.82 and 1.54 for males and females) the mean annual separation rates for females in every misconduct category exceeds the male

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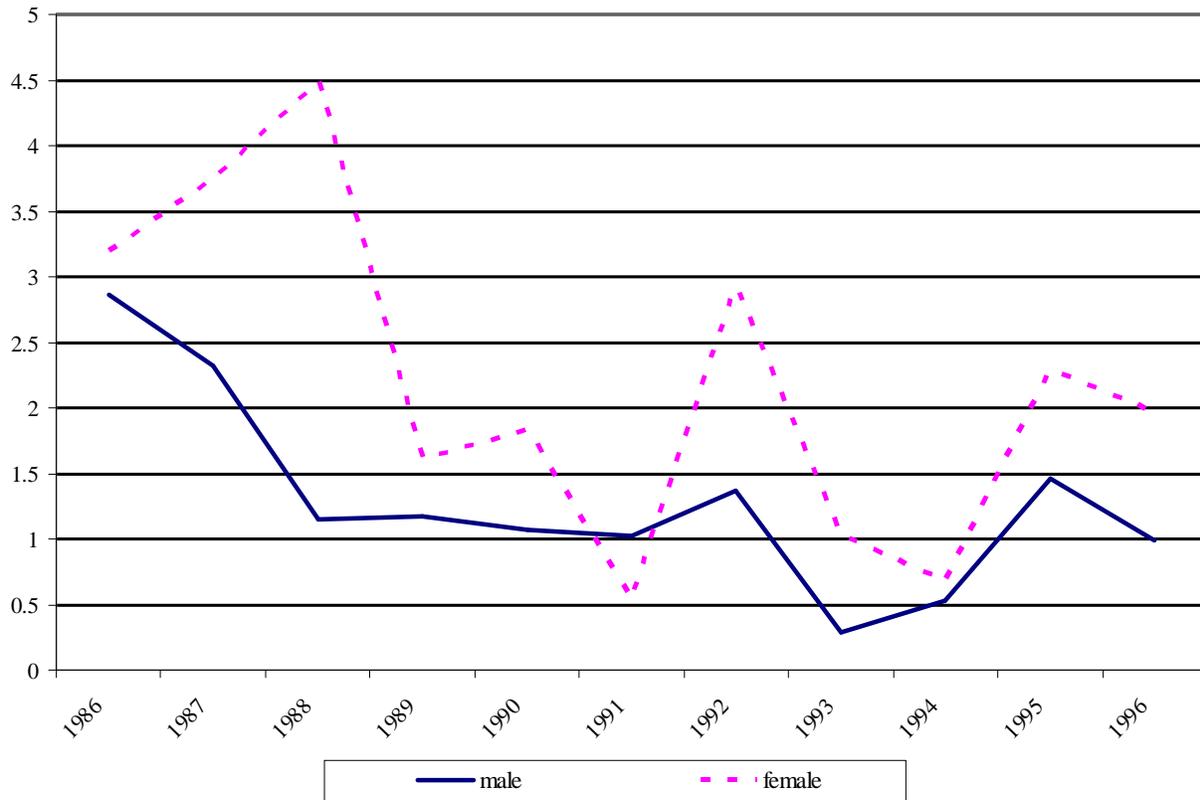
<sup>91</sup> Totals for 1975-96 include 349 males and 50 females.

<sup>92</sup> Frequencies for 1975-96 = 618 men and 123 women.

**Figure VIII-21: Rates of Separation for Off-Duty Violent and Public Order Offenses per 1,000 Officers by Gender, 1986-96**



**Figure VIII-22: Rates of Separation for Administrative Rule Violations per 1,000 Officers by Gender, 1986-96**



rate. We can postulate several reasons for these disparities, and will return to discuss them later in this report.

### Race and Involuntary Separation

There is a rich literature on the role of race in police careers. A generation ago, Cohen and Chaiken (1972:66-69) found that black New York City officers with high IQs had above average rates of departmental misconduct. Since this finding involved officially reported misconduct, it is possible that these officers were victims of differential rules enforcement. It is also possible that these officers were then, even more than now, underrepresented in relation to the city's African-American population<sup>94</sup> and were assigned to sensitive posts (e.g., vice; narcotics) in which opportunities to engage in misconduct were greater than average. This explanation is race confounded by assignment<sup>95</sup> and is plausible for two reasons. Fyfe (1981) found that black and hispanic NYPD officers were more likely than whites to use deadly force, but that these disparities were accounted for by racially differing patterns of assignment, rank, and residence. On average, black officers worked and lived in more dangerous, higher crime, areas than white officers and were underrepresented in supervisory and managerial

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<sup>94</sup> The representation of men of color and women is far higher in the NYPD than in the City's other major uniformed service. Black, Hispanic, Asian, and Aother@ males comprise less than six percent of New York City 12,000 firefighters, while women are 0.2 percent of total firefighters (New York City Department of Administrative Services, 2000).

<sup>95</sup> Officers' assignments and ranks, of course, are the overwhelming facts of their professional lives, and predict degree of exposure to virtually every police hazard. The multivariate techniques we will employ in testing all hypotheses will permit us to determine the extent to which the relationships described are confounded by assignment, rank, or other variables.

ranks. Consequently, they fired their weapons more than their white colleagues.<sup>96</sup> This theme of greater exposure of black officers to the risks of policing was also reported by Konstantin (1984) who found that, nationally, black officers were far more likely than their white colleagues to be killed in the line of duty. This disparity, Konstantin suggested, was closely associated with the practice of assigning black officers to such high-risk tasks as undercover narcotics enforcement.

More recently, Fyfe and his colleagues (1998) reported that disparities in the disciplinary experience of black officers *vis-a-vis* others were associated with racial variation in rank; in the frequency of off-duty misconduct; and in black officers= apparent high rates of involvement in misconduct mandating discipline, as versus misconduct in which supervisors were free to choose to issue formal discipline or to take informal corrective action.<sup>97</sup> The same study also reported racial variation in the nature of misconduct generating formal discipline, with white officers more frequently disciplined than blacks and others for brutality and abuse. All of this led us to generate several hypotheses.

Race and Probationary Terminations. We tested the following:

**H16:** *The rate of involuntary separations of probationers is greater among non-white officers than among white officers.*

For purposes of this analysis, we included only the years 1987-95, the only years for which complete baseline data identifying probationers were available. We also included only

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<sup>96</sup> See Geller and Karales, 1981, who reported a similar pattern in Chicago.

<sup>97</sup> When officers are arrested or fail or refuse to take drug tests, for example, formal departmental discipline is mandated. In cases of such offenses as lateness, unexcused absence, and discourtesy to citizens, however, supervisors may issue command disciplines or simple oral or written reprimands.

white, black, and Hispanic probationary officers in our analysis, electing to exclude officers from other racial groups on grounds of their low number: only two Aother@ officers were separated in 1990. With these provisos, the results of our test of this hypothesis are shown in Figure VIII-23.

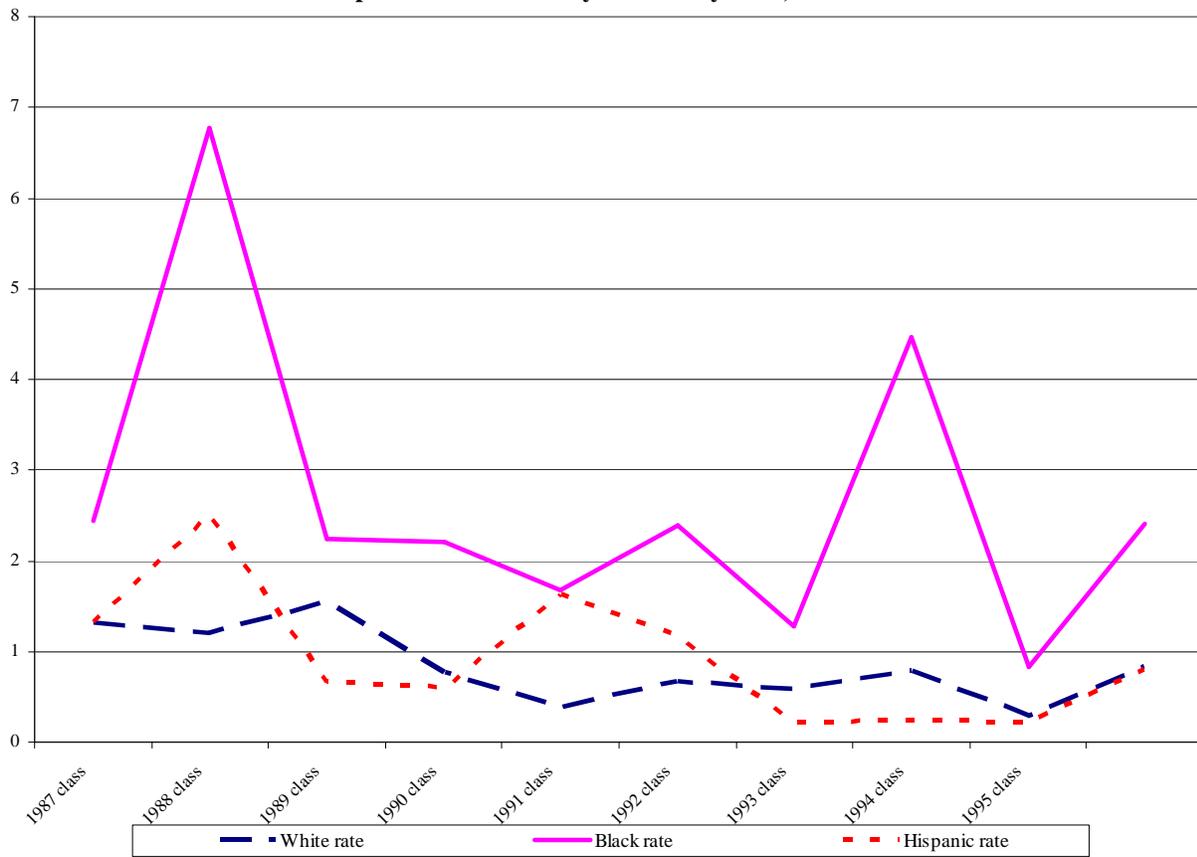
The figure shows mixed results regarding our hypothesis. The rate of separations per 100 probationary officers is consistently higher for blacks than for whites (annual mean white rate per 100 = 0.83; black rate = 2.41), but the rate for Hispanics (0.79) is lower than those of either of the other two major racial groups. Again, what we see, therefore, is an environment in which the experiences of whites and Hispanics have come to closely parallel each other, while black officers remain distinctly more prone than either group to this most extreme form of discipline.

The offenses that caused these probationers= separations do not vary significantly by race ( $p=.41$ ; analysis not shown). Hispanic probationers were separated because of off-duty violent or public order crimes less often than white or black officers (8.3% of Hispanic separations; 22.8% and 15.6%, respectively, for whites and blacks), but were separated for violations of administrative regulations proportionately more often (41.7%) than the other two groups (whites = 31.8%; blacks = 29.4%). In other aspects, however, the percentages distributions differ little among the three groups.<sup>98</sup> Thus, we accept the hypothesis where it relates to white and black comparisons, but reject it where Hispanics are concerned.

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<sup>98</sup> About a quarter of the probationers in all three racial groups were separated for drug related violations, including drug test failure (white = 26.1%; black = 27.5%; Hispanic = 20.8%).

**Figure VIII-23: Probationary Separation Rates per 100 Probationary Officers by Race, 1987-95**



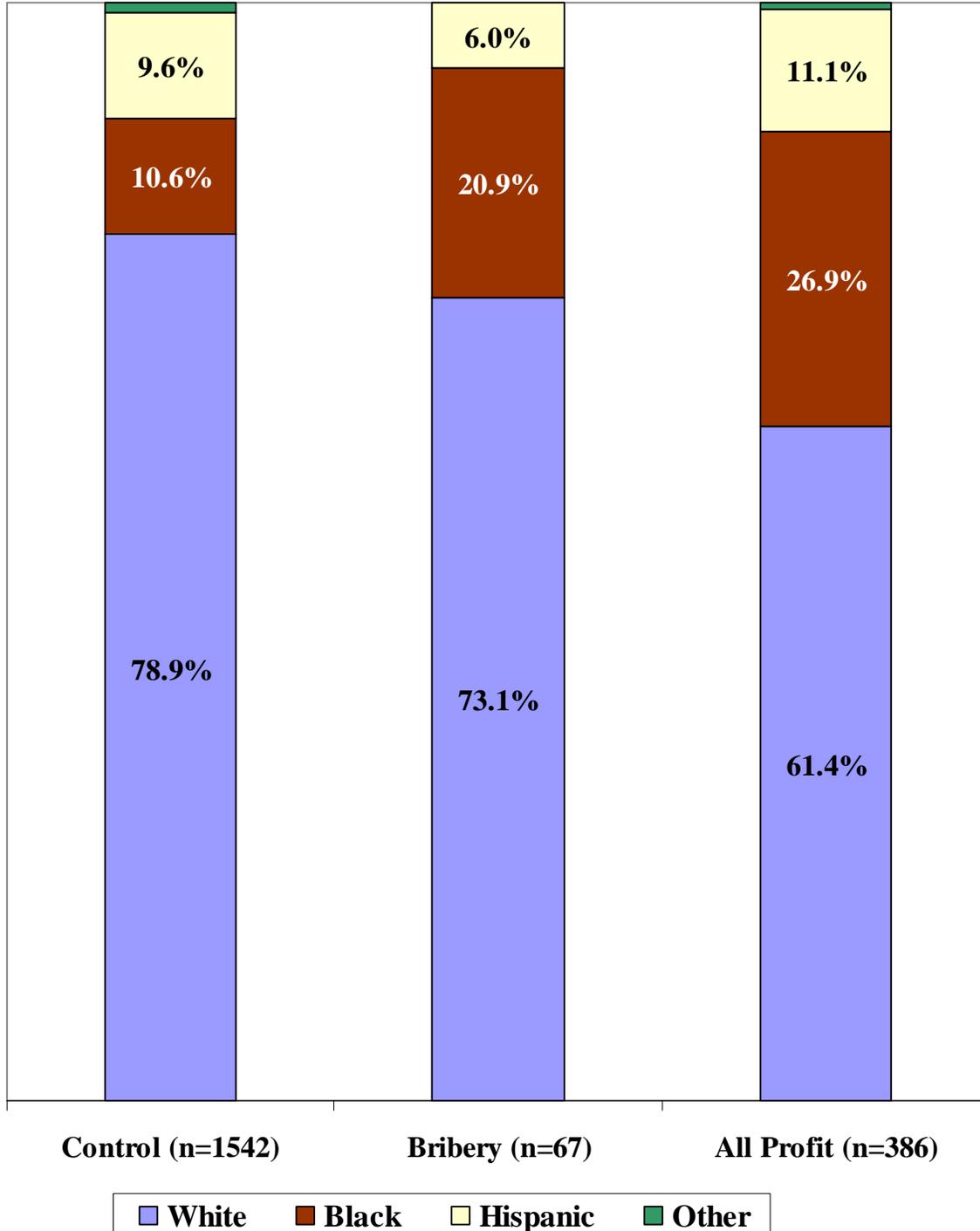
Race and Corruption. We hypothesized that:

**H17:** *The rate of involuntary separations for corruption is greater among non-white officers than among white officers.*

As we have noted earlier, the NYPD did not maintain comprehensive employee race and ethnicity data until 1986. Thus, our tests of this hypothesis included two components. The first is an analysis of the race distributions of officers separated for profit-motivated offenses as compared to the distributions of our sample of control officers. The second is a more detailed analysis of data for the years 1986-96. Figure VIII-24 presents our first analysis of H17, and suggests that our hypothesis is well-grounded insofar as it involves black officers. The figure's first column discloses that 10.6 percent of our 1,542 randomly selected control officers were black. By contrast, the second column indicates that 20.9 percent (14) of the 67 officers who were separated for bribe receiving were black, and the third column shows that 26.9 percent (104) of the 386 officers separated for all varieties of profit-motivated misconduct were black. Conversely, whites are consistently underrepresented among the offenders included in the figure. White officers comprised 78.9 percent of the control group; 73.1 percent (49) of bribery offenders and 61.4 percent (237) of those separated for all profit-motivated offenses.

The figure is more ambiguous where Hispanic officers and those from Aother@ race groupings are concerned. Hispanic officers constituted one in ten of our control officers (9.6%) and officers separated for all profit-motivated offenses (11.1%), but were only one in 16 (6.0%) of those separated on bribery charges. The numbers for Aothers@ are too small for meaningful analysis: they constituted 0.9 percent of the control group; accounted for two

**Figure VIII-24: Race of Control Officers and Officers Separated for Profit-Motivated Offenses, 1975-96**



(0.5%) of the officers separated for all profit-motivated offenses, and were not represented at all among bribery offenders.

Although not directly relevant to **H17**, the data on bribery and other profit-motivated offenses show interesting temporal patterns. The 1970s Knapp Commission scandals involved profit-motivated corruption, most of which involved acts of bribery between corrupt officers operators of such illicit activities as gambling and those who sought immunity from New York City construction codes and colonial-era *blue laws* limiting hours and conditions of business on Sundays (Knapp,1972). The opportunity for engaging in such offenses was greatly limited by NYPD regulations that, in effect, prohibited officers from enforcing these laws and regulations absent formal complaints from citizens. Further attempts at deterrence involved the creation of a *field associate* program that employed officers who, while working alongside others, reported on misconduct among their peers, as well as by vigorous programs that conducted *stings*, rewarded officers for arresting bribers, and vigorously prosecuted bribers (Murphy, 1977; Murphy and Plate,1977; Sherman, 1978).

Over the period we studied, however, there have emerged new forms of profit-motivated misconduct. The investigations that have examined them suggest that they are not nearly as wide-spread as the organized bribe takers uncovered in the 1970s (Kelly, 1992; Mc Alary, 1989,1997; Mollen, et al., 1994),<sup>99</sup> but more recent profit-motivated offenders appear to have been involved in activities that more violent and virulent than was true of their

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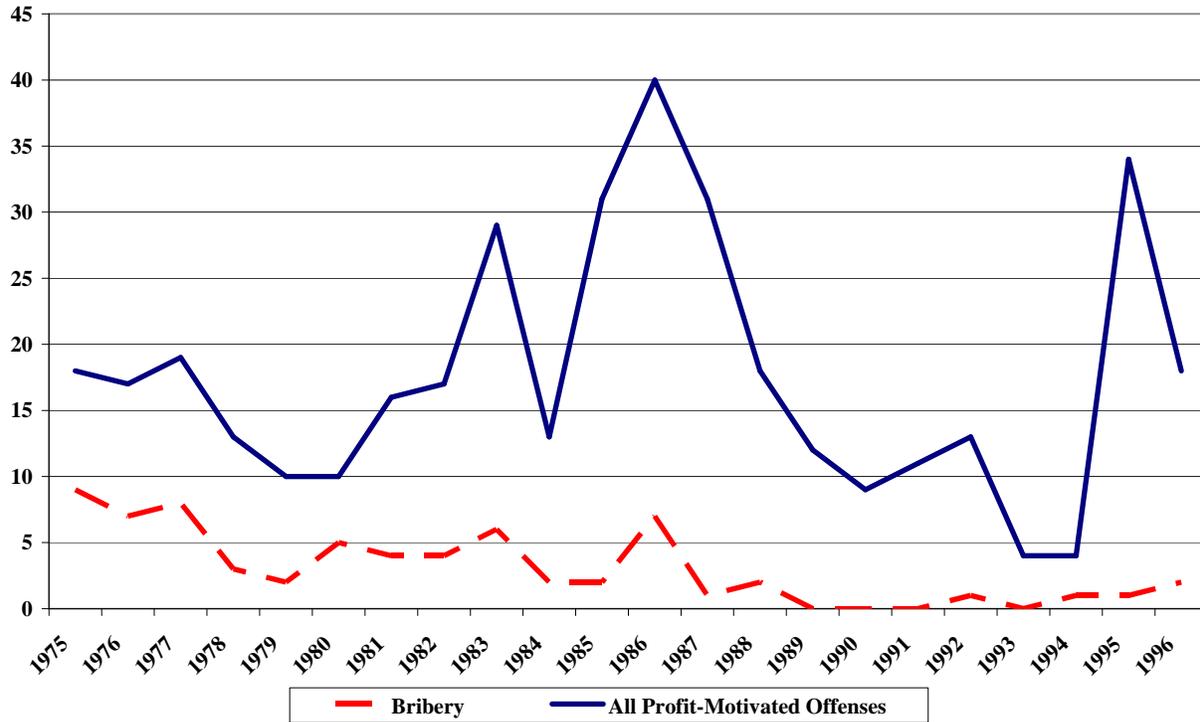
<sup>99</sup> Many of the officers separated from the NYPD as a result of the early-1970s Knapp Commission/Serpico scandals had left the department by the time the period we studied began in 1975.

predecessors. These include such offenses as robbery; drug dealing and theft; theft of cash; and various types of fraud.

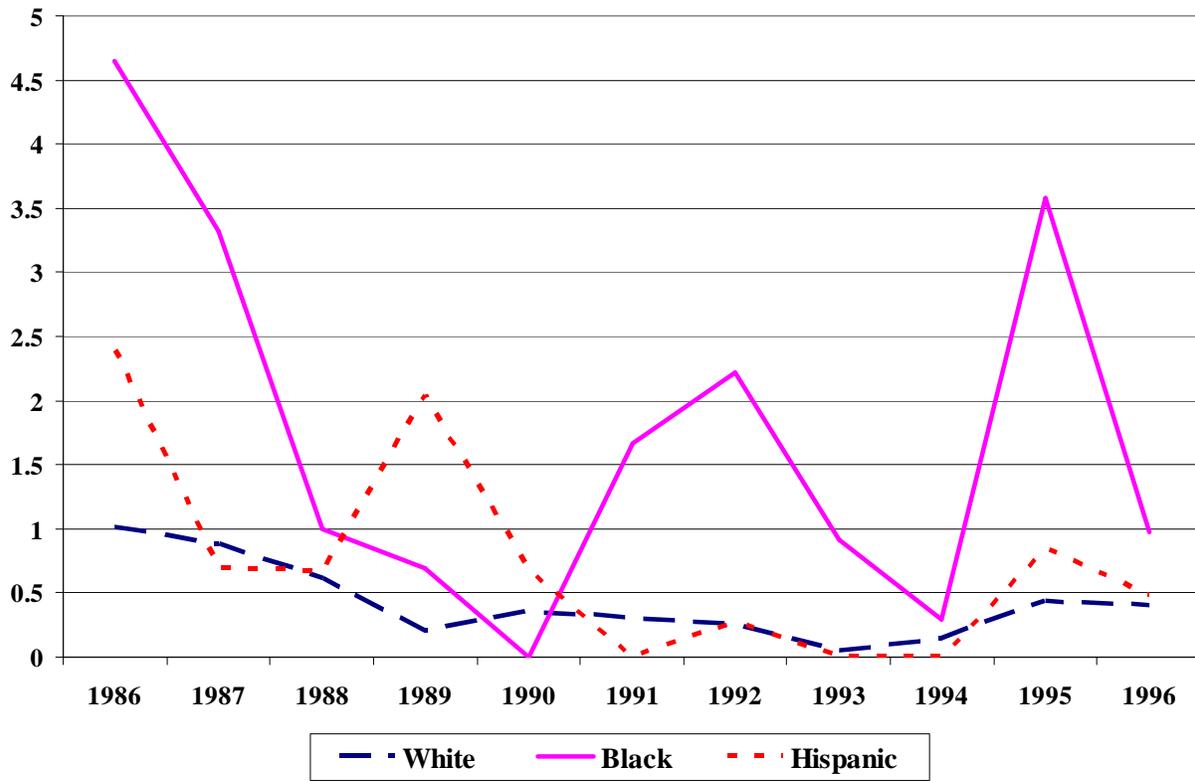
These changes are reflected in Figure VIII-25. The figure shows that the frequency of separation on charges that include bribery has diminished significantly over the years. In the first ten years we studied (1975-84) 50 officers were separated on charges that included bribery; over the last ten years (1987-1996), only eight officers lost their jobs on bribe-related charges. Thus, it would appear that the department's attempt to reduce this variety of usually consensual misconduct have borne fruit. The trend and spikes in separations for all varieties of profit-motivated misconduct (which include the bribery offenses tracked on the figure's dotted line), however, suggest the difficulty of controlling other types of profit-motivated misconduct. Still, even with peaks following the 1980s ABuddy Boys experience and the 1990s Mollen Commission scandal, the numbers are quite small. Only once during the 22 years we studied (1986, when 40 officers were separated) did the number of officers separated for profit motivated misconduct represent more than one in 1,000 NYPD officers and, most often, the rate has been far lower than even that.

To look at **H17** from another perspective, we obtained NYPD's race and rank data for the years 1990-96. The results are shown in Figure VIII-26 and, even though they confirm the hypothesis, show a familiar pattern. Over these last seven years, the white and Hispanic trends have been closely parallel, resulting in similar annual rates per 1,000 officers (white = 0.26; Hispanic = 0.36), a difference that is largely accounted for by the Mollen Commission scandals: eight of the 11 Hispanic officers represented on this figure were separated during

Figure VIII-25: Separations for Bribery and Profit-Motivated Offenses, 1975-96



**Figure VIII-26: Separation Rates per 1,000 Officers for Profit-Motivated Misconduct by Race, 1986-96**



1995 and 1996, following that expose. The black rate, however, is dramatically higher (at 1.33 per 1,000).<sup>100</sup> Thus, it is fair to say, our analyses confirm **H17** where both black and Hispanic officers are concerned. At the same time, our analyses show that the real racial demarcation in officers' experiences with this most severe form of discipline lies between blacks and others, rather than between whites and others.

Based on prior research showing that racial variations in exposure to the risks of policing, are associated with differential patterns of rank and assignment (Alex, 1969; Fyfe, 1981a, 1981b; Fyfe, et al., 1998; Konstantin, 1984), we also generated this hypothesis:

**H18:** *The discrepancy between white and non-white officers' rates of involuntary separation for corruption is accounted for by differential patterns of assignment and rank.*

This hypothesis is based on two assumptions

- First, that the overall separation rates of non-white officers would vary from that of whites largely because of differential representation in the supervisory ranks. In general, policing is an occupation in which those at the entry level B

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<sup>100</sup> No officers of Aother@ races were separated for profit-motivated misconduct during these years.

police officers and detectives<sup>101</sup> B deal most directly with the public and, therefore, have greater opportunities than supervisors and commanders, who typically are not arresting or summoning officers, to engage in profit-motivated misconduct.

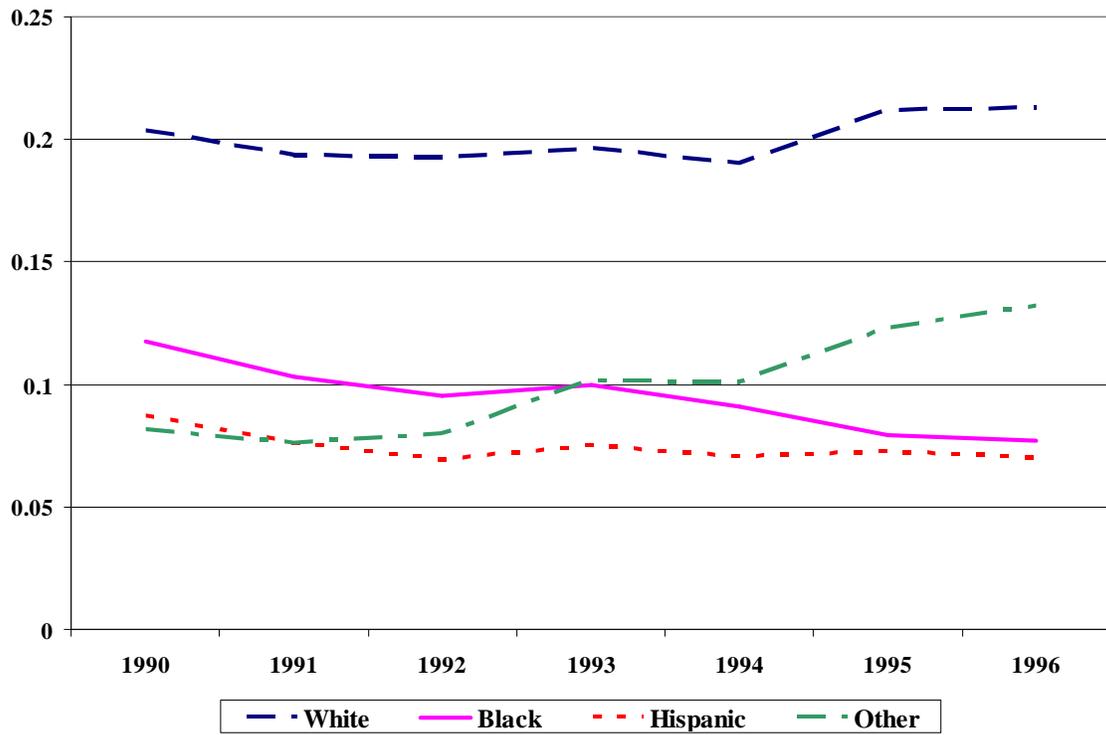
- Second, that even at the police officer and detective level, the opportunity to engage in profit-motivated misconduct is not evenly distributed across all assignments. Traffic cops rarely are implicated in profit-motivated misconduct related to drugs because their work does not expose them to the same opportunities or specialized knowledge that are part of the work of officers assigned to narcotics enforcement. Patrol officers who work in outlying middle-class communities are not exposed to street-level gambling operations and their temptations to corruption in the same manner as officers who patrol center city areas.

The underrepresentation of non-whites in police supervisory and command ranks is a longterm reality throughout policing (President=s Commission,1967; Fyfe, 1981b), and remains a characteristic of the NYPD. Figure VIII-27 traces the percentage of NYPD officers within each of our four major racial classifications over the years 1990-96. It shows that about one-fifth of all white officers held supervisory and command ranks (sergeant or above)

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<sup>101</sup> In the NYPD, the detective classification rank is a discretionary designation awarded to non-supervisory personnel at the police officer rank. Historically, detectives have been criminal investigators but, over the last generation, many *detective specialist* designations have been created for personnel in elite administrative or field units such as the Police Academy, the Internal Affairs Bureau, and the Emergency Service Unit.

**Figure VIII-27: Percentage of Officers in Supervisory Ranks by Race, 1990-96**

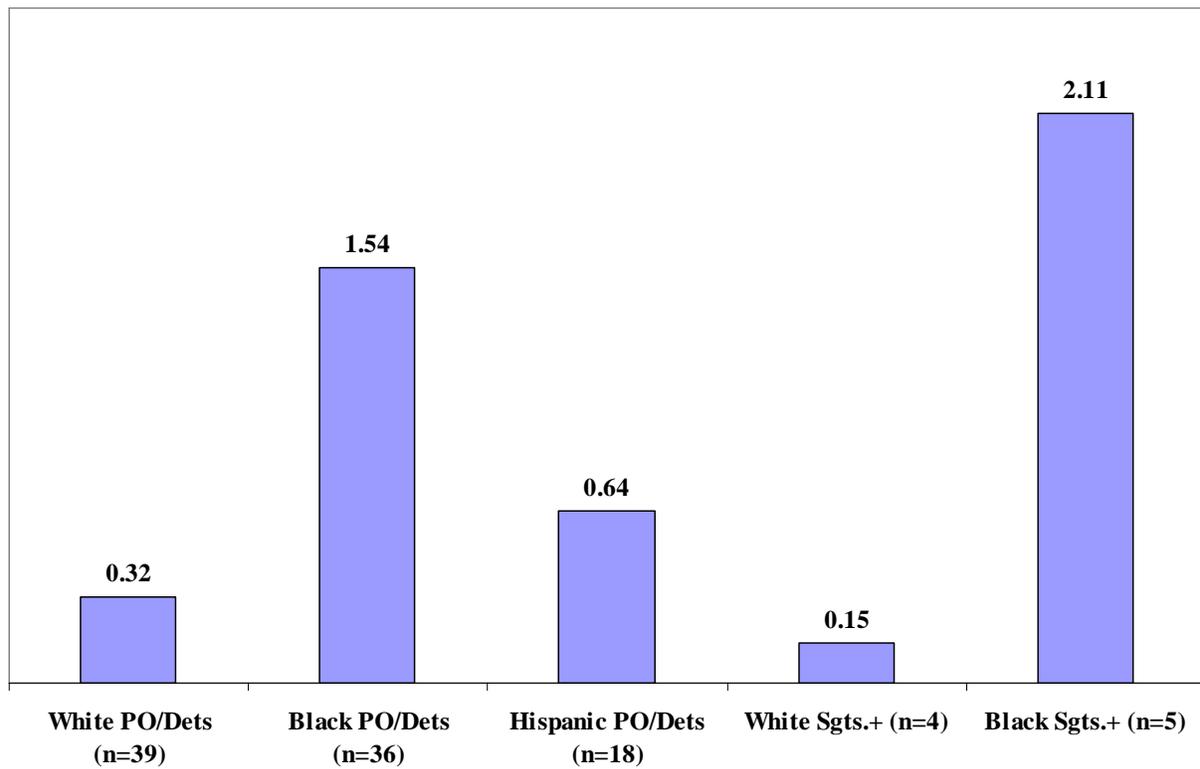


during these years (low = 19.0% in 1994; high = 21.3% in 1996), typically about twice as high as the percentages for black, Hispanic, and other race classifications (the percentage of blacks in supervisory ranks started at 11.8% in 1990 and declined to 7.7% in 1996; Hispanics decreased slightly from 8.7% in 1990 to 7.0% in 1996; while Aothers@ increased from 8.2% in 1990 to 13.2% in 1996). To examine the effect upon separation rates of this differential distribution, we calculated rates for police officers/detectives and supervisory/command personnel. If rank made a difference in the anticipated direction, we would expect that officers of different races in the same ranks would similar separation rates.

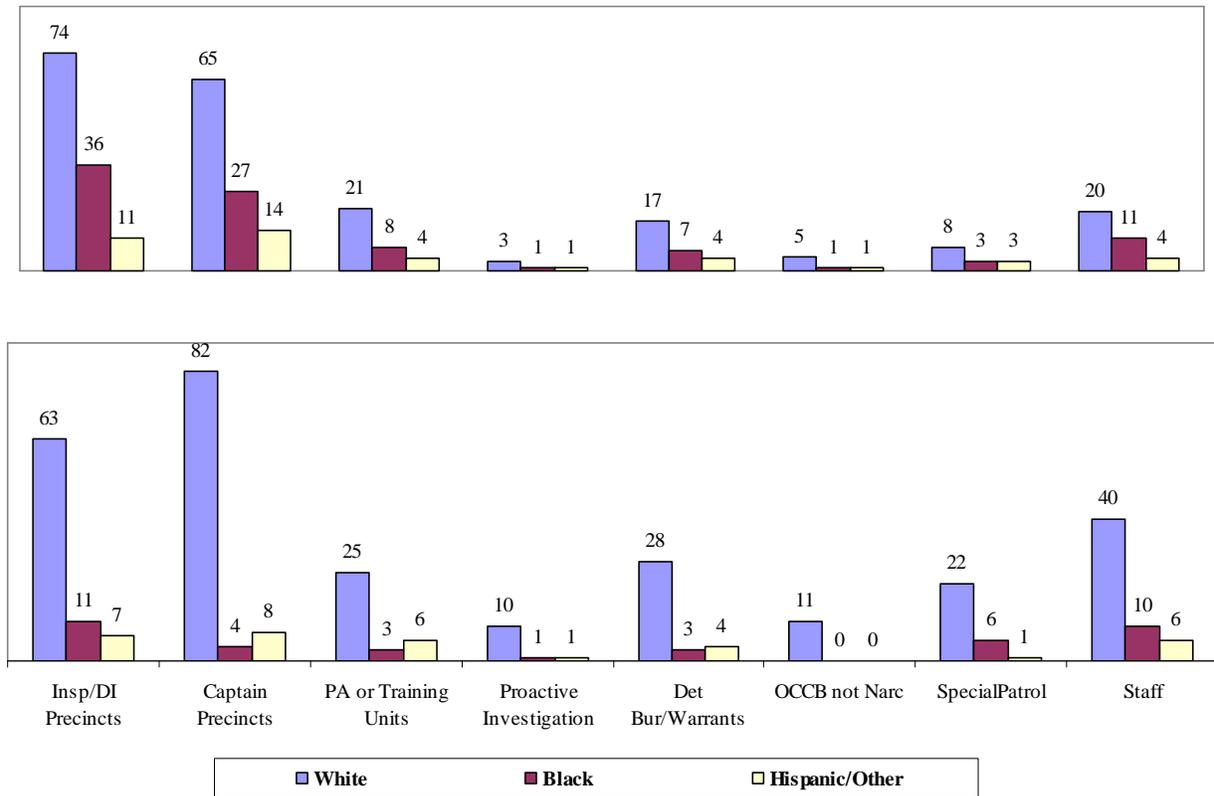
Figure VIII-28 shows that this is not what we found. Instead, although the figure is affected by the small absolute frequencies indicated, it shows that the separation rates for both black police officers/detectives and supervisory personnel (1.54 and 2.11 per 1,000 annually) are far higher than those for either whites or Hispanics (0.32 and 0.64 for white and Hispanic police officers and detectives; 0.15 for white supervisors; no profit-motivated separations for Hispanic supervisors). Thus, we must reject the section of this hypothesis which anticipated that differential rank distributions were to account for some proportion of the variance in separation rates among the races: the differences hold even when one derives rank specific rates.

Our examination of the role that racially varying patterns of assignment might play in determining separation rates among the races was inconclusive because, for the years we studied, there were available no race-specific data on officers= assignments. Hence, all that we could do to examine this issue is presented in Figure VIII-29. The data at the top of the figure

**Figure VIII-28: Mean Annual Separation Rates per 1,000 Officers for Profit-Motivated Misconduct by Rank and Race, 1990-96**



**Figure VIII-29: Commands of Officers Separated for Profit-Motivated Misconduct and Matching Control Officers by Race, 1975-96**



present the command types to which officers of different races<sup>102</sup> were assigned when they were separated. This portion of the figure shows that the modal command types for all three racial groups of separated officers were patrol precincts. Beyond that, this band of the figure illustrates roughly similar racial distributions across all command types: in every command type, about 60 percent of the officers separated for profit-motivated misconduct were white. The general pattern within the remaining 40 percent of separated is that blacks outnumber Hispanics and others about two to one across the types.

Absent baseline race by assignment data, we elected to use as our standard of comparison the commands of the matching control officers effective at the time the separated officers lost their jobs. These are valuable because, as a random sample, they presumably include a representative cross-section of the assignments held by the corrupt officers= peers. They are presented as the figure=s lower band, and illustrate quite a different pattern. All other things being equal, one would expect to find that study and control officers of specific racial groups would be distributed across command types in numbers approximately proportional to their overall representation in the study and control groups. If that is so, it would appear that both white and, to an even greater degree, black officers assigned to patrol precincts were overrepresented among separated officers. Among white study officers, 74 (34.7%) worked in Inspector/Deputy Inspector precincts, as compared to only 63 (22.4%) of the white controls. Thirty-six (37.3%) of the black study officers and only 11 (29.0%) of the black controls

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<sup>102</sup> The combined *Hispanic/Other* category includes 40 Hispanic officers and two others.

worked in Inspector/Deputy Inspector precincts; 27 separated blacks (28.7% of separated blacks ) and only four black controls (10.5% of black controls) worked in Captain precincts.

Thus, while our analysis is interesting and suggestive, it is not directly responsive to the question of whether racial variation in separation rates is attributable to variations in risk as measured by assignment type. We will, however, return to this issue later in this report, when we present our multivariate analyses.

Race and Abuse. H19, our hypothesis on this subject, specified that:

*The rate of involuntary separations for brutality and other non-profit abuses is greater among white officers than among non-white officers.*

In New York City, as elsewhere, the most spectacular and widely publicized incidents of controversial police use of force have involved white police officers who, almost invariably, have injured or killed people of color. Rodney King was beaten by a group of white Los Angeles police officers; Luis Baez died after an encounter with a white NYPD officer; Amadou Diallo was shot to death by four white NYPD officers; Abner Louima was brutalized by one or more white NYPD officers. Thus, this hypothesis seemed a safe bet B but we were surprised to find that the data did not provide results that were as clearcut as one might suspect.

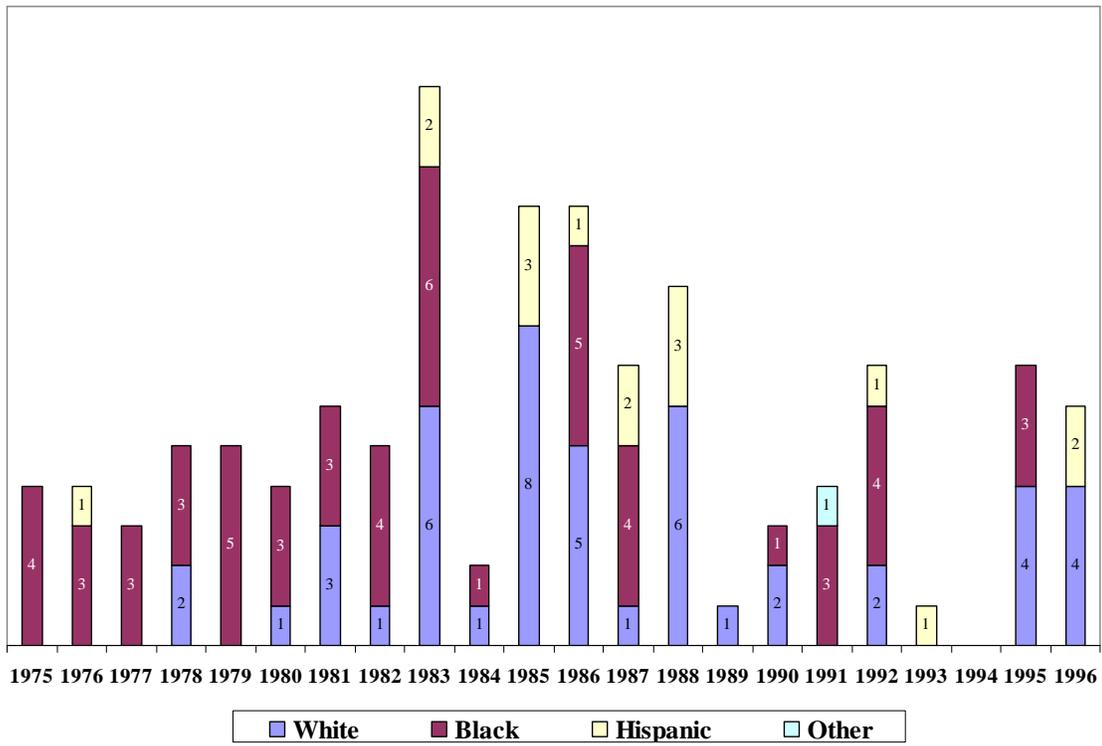
We tested the hypothesis by examining data for the years 1986-96, the period for which baseline officer race data are available. Our first analysis included involuntary separations on charges that included any type of abuse by on-duty officers. Tested in this fashion, the hypothesis does not hold for those years. Further, although we do not have baseline officer race data for the first 11 years of our study (1975-85), it appears that, when analyzed in this fashion, the hypothesis would not hold for that earlier period, as well.

Figure VIII-30 demonstrates why this is so. The figures upon which it is based include 63 separations for charges including on-duty abuse during the first 11 years of our study. Twenty-two (34.9%) of these officers were white; 35 (55.6%) were black; and six (9.5%) were Hispanic (no Asians or others were separated for abuse during this period). This representation of black officers is far higher than their percentage in the department during these years and, in all probability, the percentage of Hispanic officers is somewhat higher than their percentage among all officers. On July 1, 1974, Fyfe (1978:164) reported, white officers constituted 88.7 percent of the NYPD=s sworn complement (n=27,314), while blacks represented 8.0 percent (2,448) and Hispanics were 3.3 percent (1,014). By 1986, these percentages had changed to 79.2 percent for whites (n=20,816), 10.7 percent (n=3,011) for blacks, and 9.5 percent (2,505) for Hispanics.<sup>103</sup> In the intervening years, the only dramatic change in the department=s personnel composition was the June 30,1975 lay-off of 3,000 officers. Because of *last hired-first fired* civil service regulations, this layoff actually reduced the representation of non-white officers who, generally, were junior to white officers. Thus, it is fair to say, black officers were well overrepresented among officers separated on charges hat included on-duty abuse during 1975-85, and it is likely that Hispanic officers also were overrepresented, albeit not to the same degree.

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<sup>103</sup> In 1974, the NYPD=s 21 Asian and other officers constituted 0.07 percent of NYPD=s sworn officers. By 1986, their numbers had grown to 154 (0.6% of total), and, by 1996, the department employed 478 Asians and other (1.3 % of total).

**Figure VIII-30: Separations on Charges Including On-Duty Abuse by Race, 1975-96**



We were able to more directly test the hypothesis where the years 1986-96 are concerned. During this period, the data in Figure VIII-30 include 25 separated white officers, 20 separated black officers, nine separated Hispanic officers, and one other officer. When we used these frequencies to calculate annual separation rates per 1,000 officers for charges including on-duty abuse offenses, we derived rates of 0.20 for whites, 1.47 for blacks, and 0.38 for Hispanics.<sup>104</sup> Thus, these data do not support **H19** and, qualifying our conclusions by reference to the low numbers upon which they are based, we once again find a difference between the experience of black officers and others.

As was the case with our analysis of gender and on-duty abuse, however, we were not satisfied that this analysis truly answered the question at hand because it included all cases involving on-duty abuse, regardless of whether such conduct was tangential to other, more serious misbehavior. Consequently, we conducted an additional analysis that included only officers separated during 1986-96 when the primary, or only, charge against them involved on-duty criminal assault (n=10); excessive force (5); and racial, ethnic, or gender discrimination (1).<sup>105</sup> Eight of these involved white officers, four involved black officers, and four involved Hispanic officers. As Figure VIII-31 indicates, these figures translated to mean annual rates per 1,000 officers of 0.03 for white officers; 0.11 for black officers; and 0.10 for Hispanic officers. These rates are so small that a case or two one way or the other would change them significantly, but they certainly do not support the hypothesis.

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<sup>104</sup> The mean annual rate for Asians and others is 0.35, but is based on the separation of a single officer during these 11 years.

<sup>105</sup> There were 17 such cases during the 11 years 1975-85 (white = 10; black = 4; Hispanic = 3).

Race and Non-Line of Duty Crime. Our hypothesis specified that:

**H20:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among non-white officers than among white officers.*

Figure VIII-32 traces the frequency of separations for non-line of duty offenses between 1975 and 1996.<sup>106</sup> During the years 1975-85, the period for which we lack race-specific data on all personnel, there occurred 155 separations for these offenses. Whites accounted for 53.5 percent of these (83); blacks for 37.4 percent (58), and Hispanics for 9.0 percent (14).<sup>107</sup> At least where white and black officers are concerned, these figures again vary from the apparent representation of each of these groups in the department as whole during those 11 years, and suggest that our hypothesis is accurate as it relates to that period.

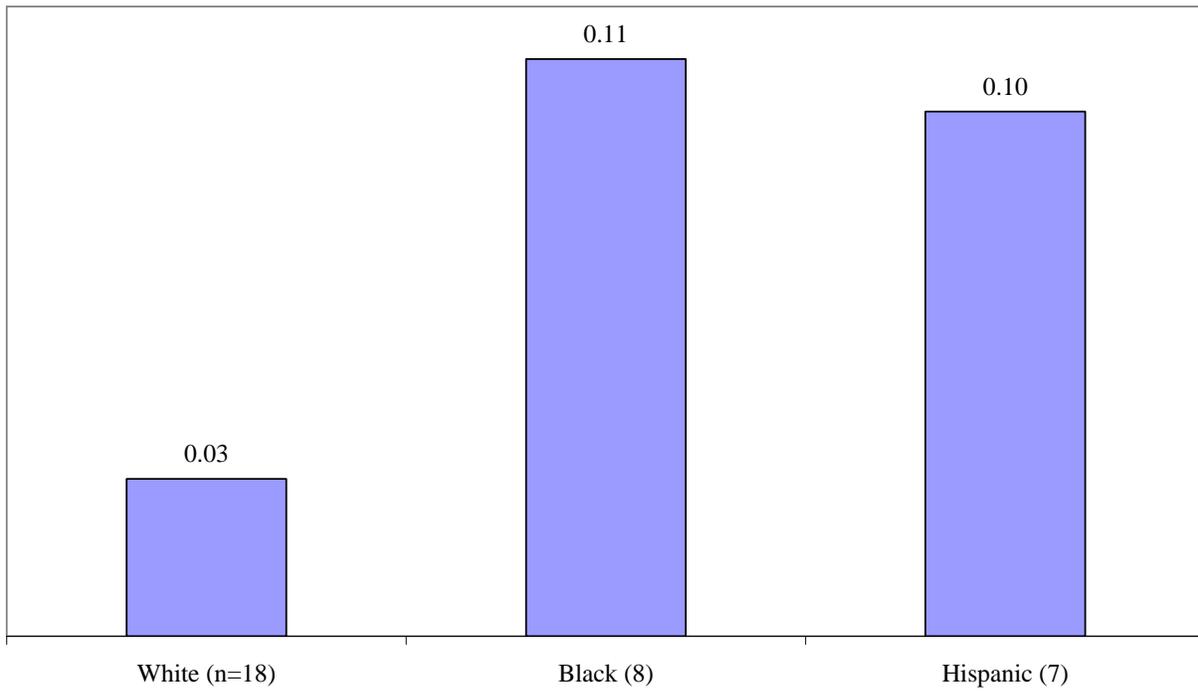
**H20** clearly holds for the 1986-96 period. Whites accounted for 50.8 percent (124) of the 244 separations during this period, resulting in a mean annual rate of separations per 1,000 officers of 0.88, as shown in Figure VIII-33. The black rate (3.92 per 1,000; n=89) is more than four times as high, and the Hispanic rate (0.96; n=26) is slightly higher than the white rate, but is about what one would expect based on Hispanic representation in the NYPD during those years: Hispanics accounted for 10.7 percent of the non-line of duty separations and for 10.9 percent of average annual department personnel during these years. Officers from “other” racial groups, 0.9 percent of the NYPD as a whole, accounted for 2.0 percent of

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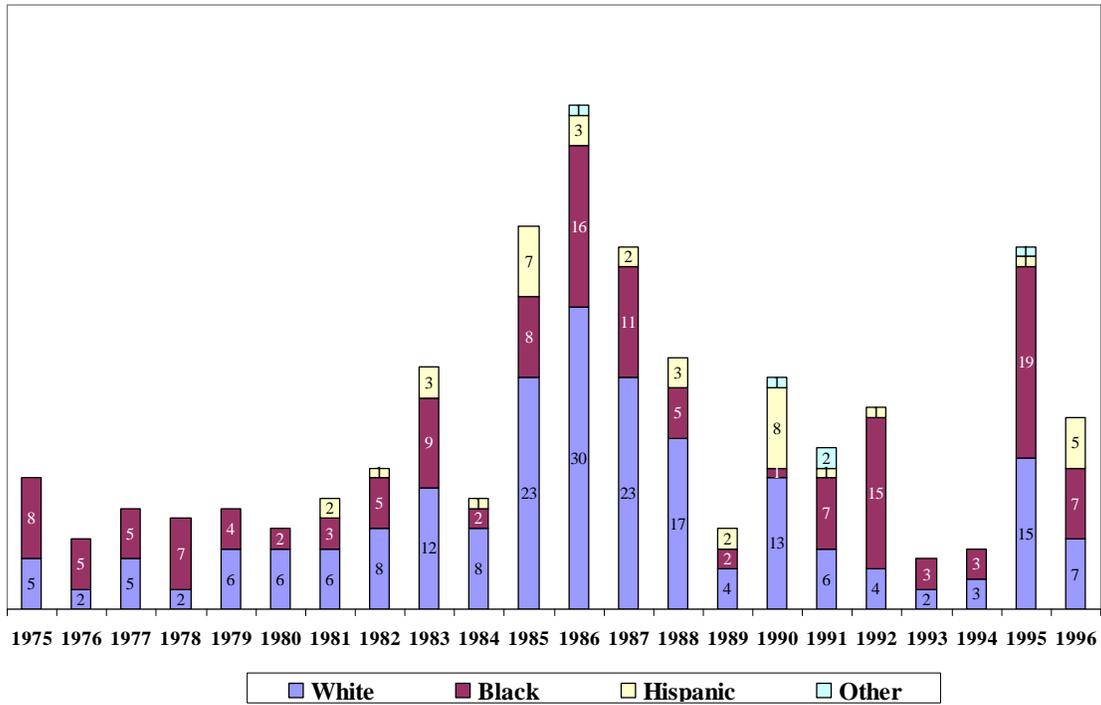
<sup>106</sup> As in our earlier analyses of gender and non-line of duty conduct, we calculated our dependent variable by including off-duty crimes of violence and criminal violations of public order statutes such as disorderly conduct, public intoxication, and driving while intoxicated into a single category.

<sup>107</sup> No other officers were separated for non-line of duty conduct during 1975-85.

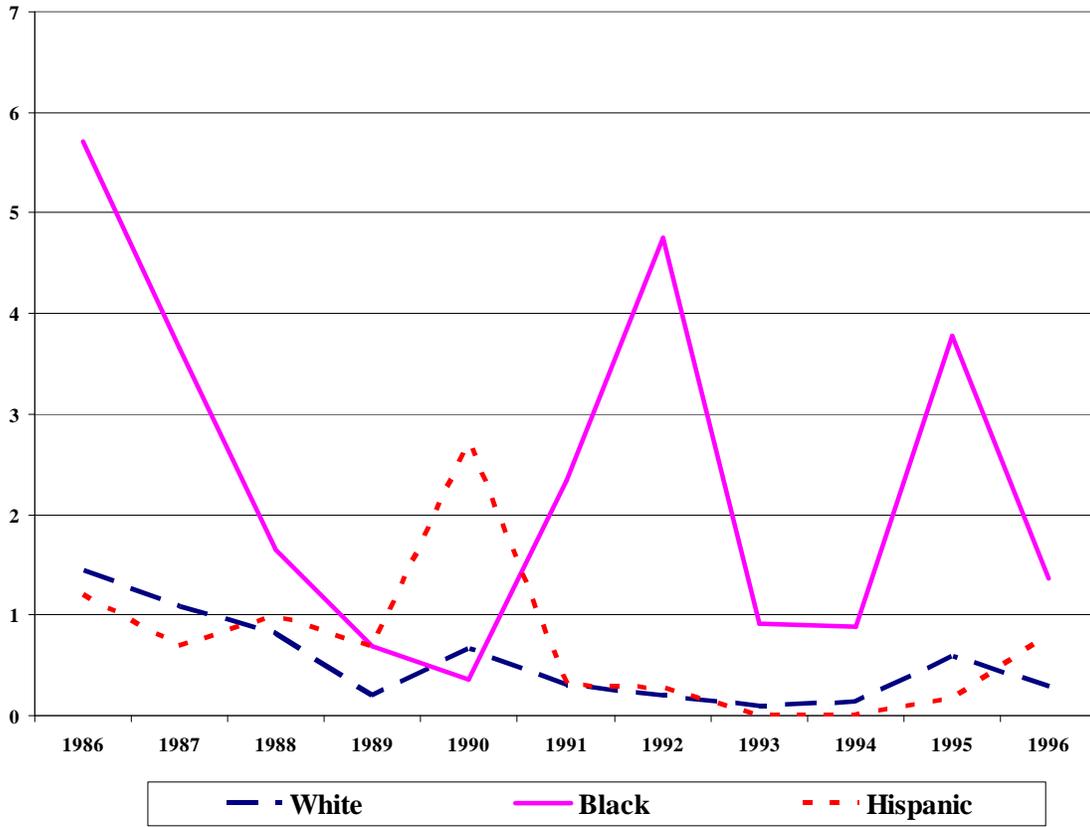
**Figure VIII-31: Rates of Separation per 1,000 Officers  
in Which Primary Charge was On-Duty Abuse, 1986-96, by Race**



**Figure VIII-32: Separations for Non-Line of Duty Offenses by Race, 1975-96**



**Figure VIII-33: Separation Rates per 1,000 Officers for Non-Line of Duty Offenses by Race, 1986-96**



the separations, resulting in a mean annual rate of 1.73 per 1,000. This calculation, however, is based on only five separations over an 11 year period and, therefore, is not the stuff of grand generalizations.

Race and Drugs. **H21** specified that:

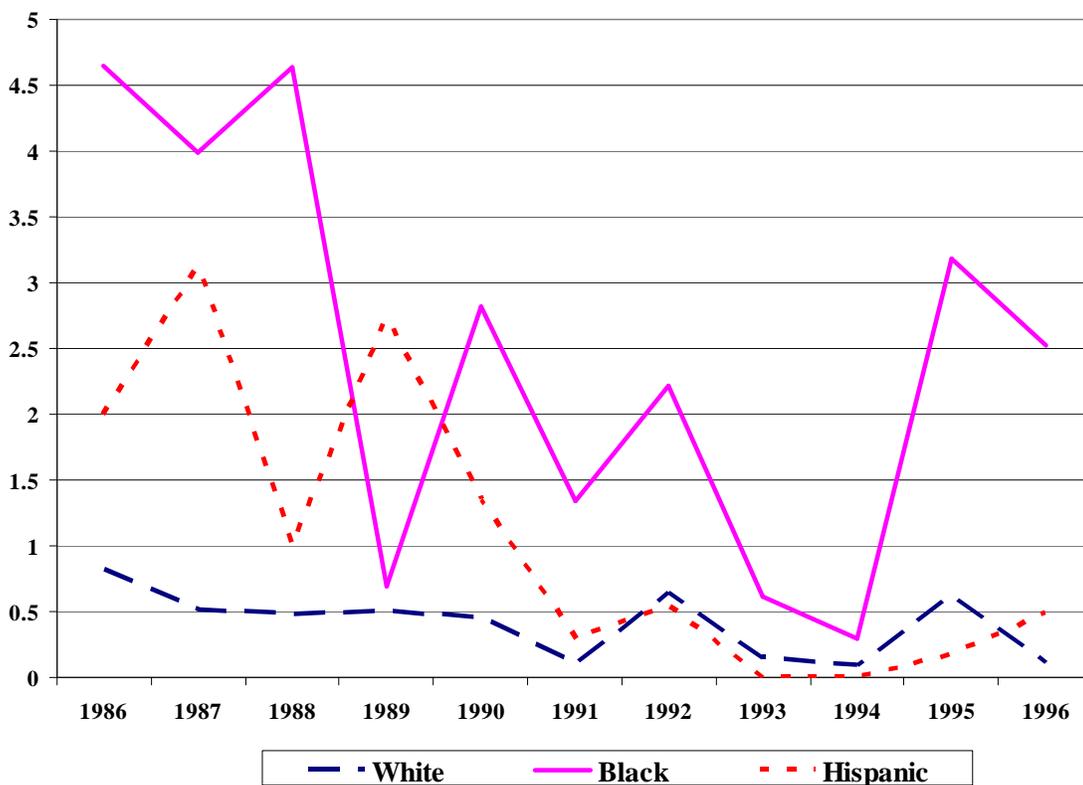
*The rate of involuntary separations for drug test failures and refusals is greater among non-white officers than among white officers.*

Figure VIII-34 is based on data that confirm the hypothesis. During 1986-96, 42.9 percent (96) of the 229 separations for drug test refusals or failures involved white officers; 41.1 percent (92) involved black officers; and 16.1 percent (36) involved Hispanic officers.<sup>108</sup> These figures result in mean annual rates of separations of 0.41, 2.45, and 0.86, respectively, for whites, blacks, and Hispanics. Again, the pattern is familiar: the rates for all three groups have declined, in this case from the beginning of systematic drug testing programs in the mid-1980s; the rate for blacks is far higher than those of the either whites or Hispanics; and the trends for whites and Hispanics became very similar during the latter years shown in the figure. During 1991-96, the rates were 0.26 for whites; 1.39 for blacks; 0.19 for Hispanics.

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<sup>108</sup> We did not include a figure tracing drug test failures back to 1975 because of their infrequency. During 1975-84, prior to the advent of the NYPD's systematic drug-testing program, 32 officers (3.2 annually) were dismissed for failing or refusing to undergo a for cause drug test or for medical diagnoses that they had ingested drugs; another 22 were terminated in 1985, the first year of systematic testing. Of the 54 officers separated during 1975-1985, 28 were white, 19 were black, and one was other. No other officers were separated for these reasons during 1986-96.

**Figure VIII-34: Separation Rates per 1,000 Officers for Drug Test Failures or Refusals, 1986-96**



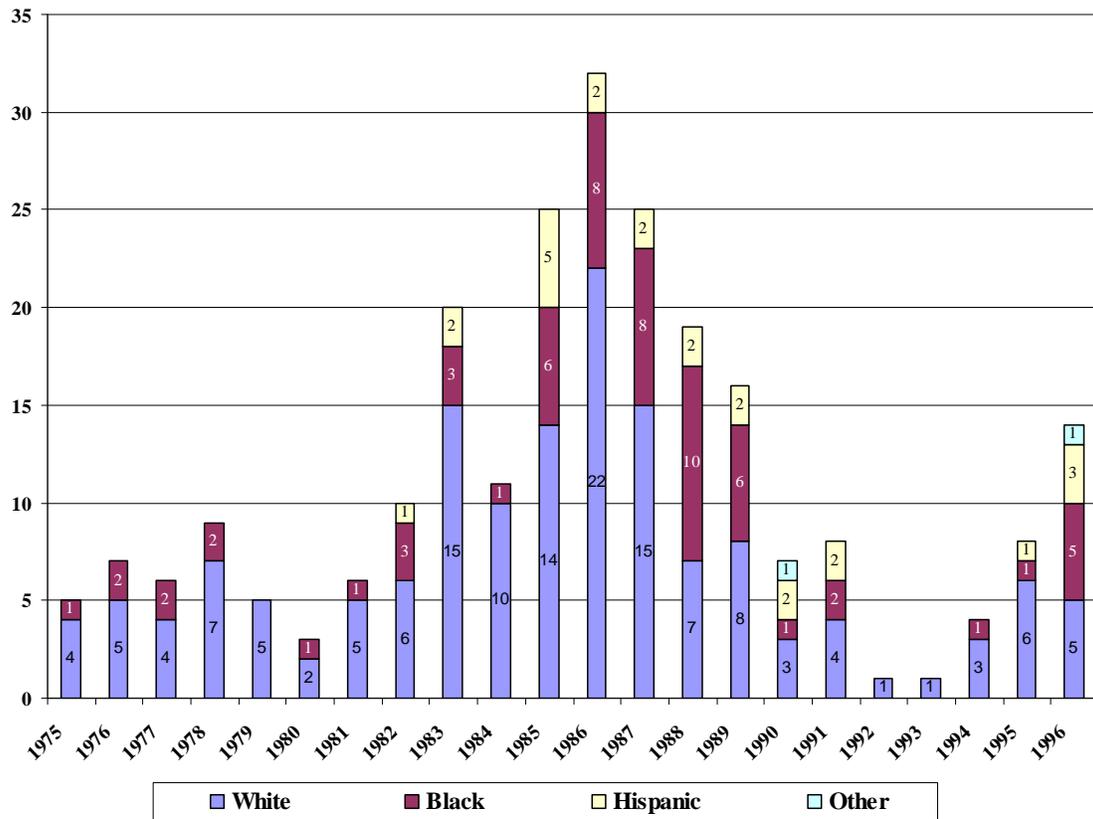
Race and Administrative Rule-Breaking. In **H22**, we predicted that:

*The rate of involuntary separations for administrative rule breaking is greater among non-white officers than among white officers.* Our analysis of this question requires an explanation. Nearly half of the separations in our study (741) could be included in the Administrative rule-breaking@ category because such charges routinely are added to the catalog of offenses with which officers whose major sins have been drug or criminal offenses are prosecuted. It is impossible to commit a violent felony without simultaneously engaging in conduct unbecoming an officer, for example. In such cases, the administrative violations do not accurately describe the heart of the issue. Consequently, we included in our examination of analysis of **H22** just the 242 cases in which the charges included only violations of the NYPD=s administrative rules.

The results are presented in Figures VIII-35 and VIII-36. The former shows the absolute frequencies of separations for rules violations during 1975-96, and shows that these separations have not been constant. Instead, they hit high points in the mid-1980s (peaking at 32 in 1986). Keeping in mind that blacks likely represented somewhat less than ten percent of the department during the years for which we lack base race data, Figure VIII-35 they were overrepresented during this early period: 22, or 20.6 percent of the separations, involved black officers. Hispanics accounted for 7.5 percent (8) of the separations which, again, is about what one would expect given their likely representation in the NYPD.

Figure VIII-36 shows the trends for the years 1986-96, and is derived from data that confirm the hypothesis. During these years, the separation rates per 1,000 officers for whites,

**Figure VIII-35: Separations for Administrative Rules Violations by Race, 1975-96**



blacks, and Hispanics were 0.32, 1.12, and 0.38, respectively. Once again, therefore, we see a familiar pattern: although absolute frequencies are small,<sup>109</sup> the experience of black officers is markedly different from that of their white and Hispanic colleagues.

By way of explaining this disparity among the races, we offered **H23**:

*The discrepancy between white and non-white officers' rates of involuntary separation for administrative rule-breaking is accounted for by differential patterns of assignment and rank.*

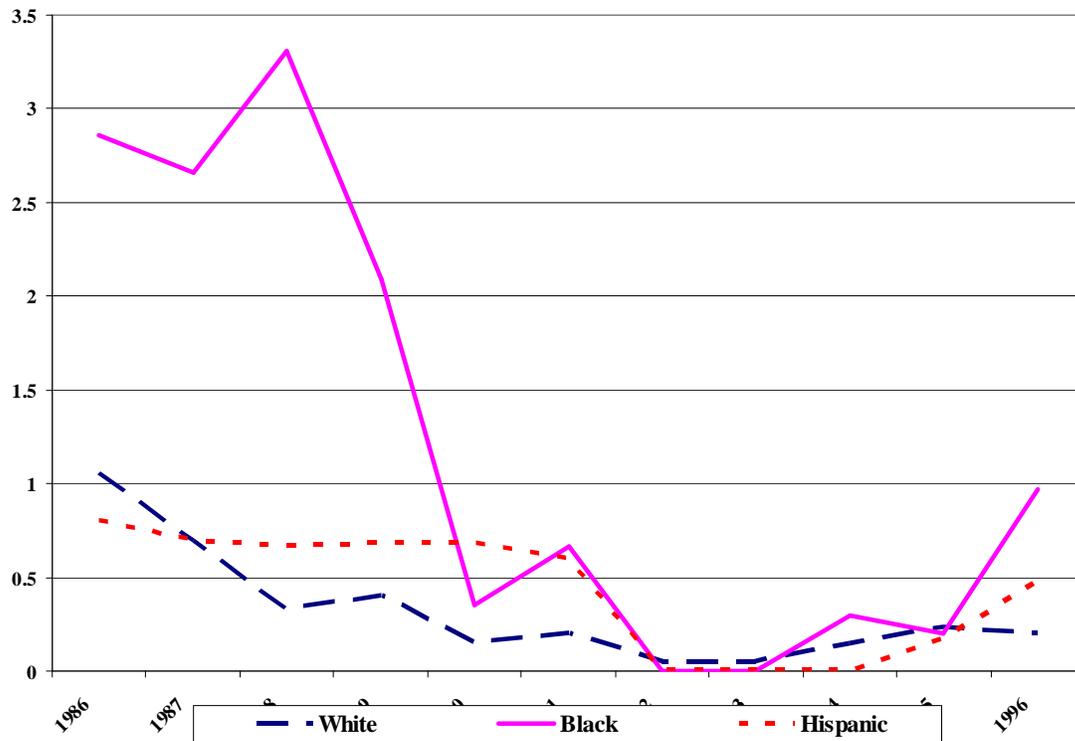
Analysis verified that vulnerability to separation for administrative rule-breaking is greatest at the department=s lowest levels. Only 3.4 percent (8) of the personnel separated for administrative violations during 1975-96 had been promoted to third grade detective (4) or sergeant (4), and none had attained any ranks higher than those. By contrast, 14.7 percent (32) of their matched control officers had made detective or supervisory ranks, with several going beyond the detective 3 designation and sergeant rank.<sup>110</sup> During 1990-96, the period for which we have baseline rank and race data, the separated personnel were probationary police officers (20), police officers (22), or detectives (1); none was a supervisor or commander. The matched controls were slightly different, including 24 probationers, 16 police officers, one third grade detective, two second grades, and a sergeant.

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<sup>109</sup> Over the 11 years studied, white frequency=75; black=42; Hispanic=16. We also calculated an AAsian/other@rate of 0.69 per 1,000, which is based on only two cases.

<sup>110</sup> In the NYPD, Adetective third grade@is the entry level detective designation, carrying with it the coveted Agold shield@and a salary increase of about 15 percent. Detective second grade and detective third grade are higher paying, but still non-supervisory, designations awarded for excellent performance. None of the four separated detectives had gone beyond third grade, but five of the 13 detectives in the matched control group had attained second or first grade. Four of the 19 control officers were lieutenants, but all of the four separated supervisors were sergeants.

**Figure VIII-36: Separation Rates per 1,000 Officers for Administrative Rules Violations 1986-96, by Race**



When we constructed separation rates per 1,000, therefore, we included as our base only personnel at the police officer and detective ranks, on grounds that the supervisory rates for all racial groups were zeroes. These are shown in Figure VIII-37 in which, were our hypothesis well-based, one would expect to find similar rates across the racial groups. This is not the case: instead, we see that the mean annual rates for whites, blacks, and Hispanics over the seven years are 0.19, 0.43, and 0.28, respectively.<sup>111</sup> This again repeats the familiar pattern we have seen throughout these analyses of race and separation. It also compels us to accept the null hypothesis.

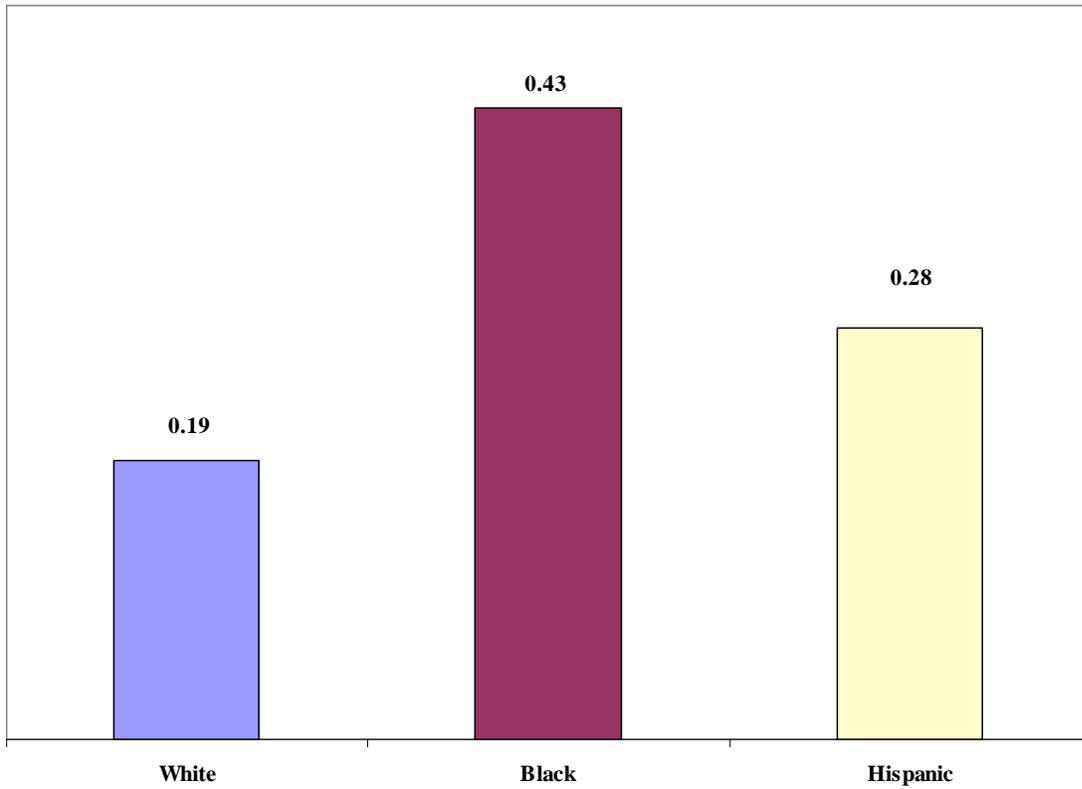
Our attempt to test the portion of the hypothesis that racial variations in rates of separation for administrative violations were associated with assignment was complicated by the infrequency of such cases during the years for which we have baseline data (43 over the seven years 1990-96). Thus, we could address it only inferentially. For Figure VIII-38, we collapsed our command typology into four categories (Patrol; Training; Investigative; Staff) and compared the assignments of officers separated for administrative violations by race over the entire study period 1975-96 with those of their matched control officers.

The figure shows that, across the races, most of the officers in both the study and control groups were assigned to patrol or training when they study officers were terminated, and that the percentages of officers assigned to investigative or staff jobs for every race is higher among control officers than among study officers. The figure shows that officers who work in specialized tasks appear less likely than officers who are still in patrol or training to be

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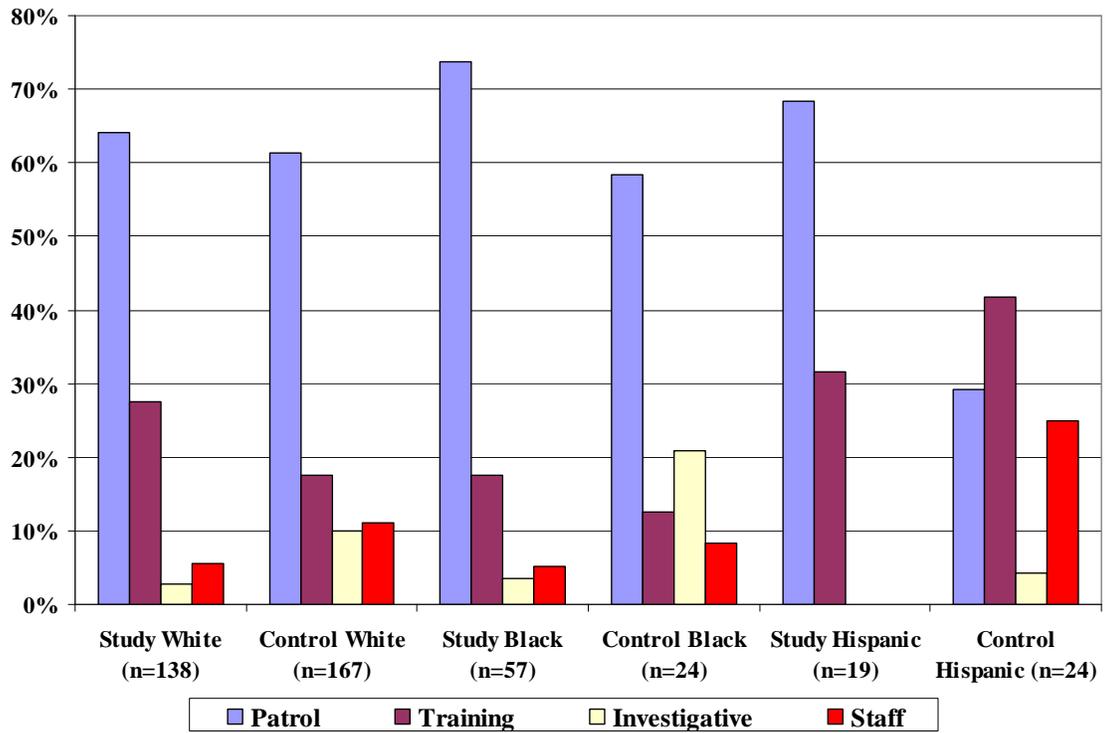
<sup>111</sup> Two Asians/Others were separated during this period.

**Figure VII-37: Mean Annual Separation Rates  
per 1,000 Police Officers/Detectives  
for Administrative Rules Violations by Race, 1990-96**



have been fired. Its raw frequencies, shown at the bottom of each set of columns, also indicate that blacks are overrepresented among study officers (57 study officers and only 24 control officers were black);and that both whites and Hispanics were more likely to be found among control officers than among those separated from the NYPD. Still, it cannot be said to resolve our hypothesis.

**Figure VIII-38: Commands of Officers Separated for Administrative Rule-Breaking and Matched Control Officers by Race, 1975-96**



### Race and Involuntary Separations: A Summary.

This section of this study is likely to be its most controversial. The data we analyzed show that black officers are involuntarily separated from the NYPD at rates far disproportionate to other groups, for virtually all offense types. It does not appear that these disparities are closely associated with rank or assignment, two variables that have explained much racial variation in prior studies of other varieties of police conduct. One explanation of this disparity is that the system discriminates against black officers. Certainly, our statistical analyses may hide instances of discrimination, but three considerations suggest that any discrimination is isolated, rather than systemic.

First, discrimination is an abuse of discretion: in most of the cases we studied, most discretion is exercised at the policy level, rather than at the level of individual cases. Our data included 466 separated African-American officers. Only 107 of these officers were separated for matters in which the primary charge was a purely administrative offense. In the remainder B more than three-quarters of the cases B the primary charge apparently involved criminal behavior or drug-related offenses. In 168 cases, the primary charge against black officers was a drug offense (possession, sale; failure or refusal to take a drug test); in 60, it was an off-duty violent crime; in 55, it was a profit-motivated crime; in 18, it was perjury, conspiracy, or some other offense designed to obstruct justice; in 16, it was an off-duty public order crime. Once legislators and NYPD leaders decide that these are firing offenses, those who administer the NYPD=s internal justice system have few options but to separate officers found to have committed them.

Second, there is a considerable degree of due process involved in involuntary separations of NYPD officers, especially after they have completed their probationary periods. They are entitled to notice of formal charges; to representation; to full, recorded, public trials involving confrontation and cross-examination of witnesses and presentation of their own witnesses and evidence. Those who lose these trials are entitled by statute to appeal in the civil courts. Thus, there are enough checks on the system to make it unlikely that it involves systematic discrimination.

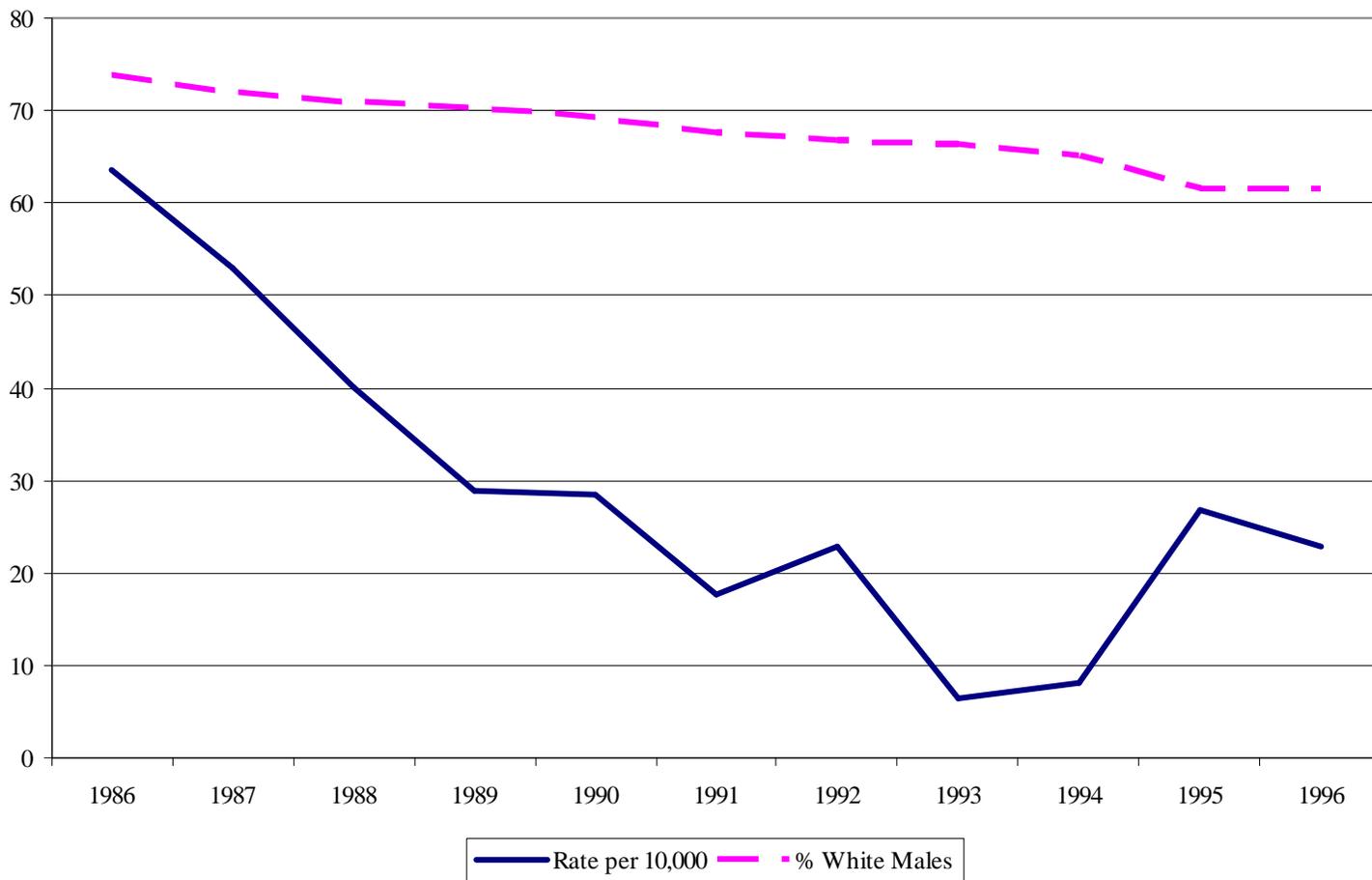
Third, the contrast between the disparity in the study group of African-American officers and the recent common experience of white, Hispanic, and Asian officers suggests that, to the extent racial discrimination exists, it must be directed only at black officers, while granting equal treatment to Hispanics and Asians. This also is unlikely.

Thus, these findings concerning African-American officers are troubling not because they suggest systemic discriminatory behavior by the NYPD, but because they suggest differential patterns of behavior among the races.

At the same time, we are heartened by other findings regarding both officers= race and gender. Over the 1986-96 period for which we have data on officers= race and gender, the NYPD became a more diverse agency. In 1986, 26.3 percent of all the uniformed members of the NYPD were other than white men, and the department involuntarily separated 167 officers, for a rate of 6.4 per 1,000 officers. By 1996, the percentage of persons other than white men in the department had increased to 38.4 and the rate of separations had dropped to 2.7 (n=83). Figure VIII-39 presents this relationship graphically, and shows that it is extremely robust.

Most specifically, the figure shows that half of the variation in the overall rate of involuntary separation rate during 1986-96 is accounted for by the percentage of white male officers in the NYPD ( $r=.71$ ;  $r^2=.50$ ). In other words, as diversity has increased, career ending police misconduct has decreased. This obviously is a finding that requires further exploration and that may be confounded by other variables B but it is too strong to be ignored, and is the most convincing evidence we have yet seen of apparent positive effects of diversity in police ranks.

**Figure VIII-39: Separation Rate per 10,000 Officers and Percentage White Male Officers, 1986-96**



$r=.71$   
 $r^2=.50$   
 $p=.01$

### Age and Involuntary Separation

In 1994, the NYPD increased its minimum age for entry into the department from 20 to 22. The NYPD did this on grounds that the candidates it was excluding were more likely than older recruits to end their careers under less than honorable circumstances (O'Sullivan, 1994; Mollen Commission, 1994; Mladinich, 1995). To determine whether this policy change was consistent with the experience reflected in our data, we hypothesized that:

**H24:** *The rate of involuntary separations of probationers is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H25:** *The rate of involuntary separations for corruption is greater among officers who were less than 22 years old when appointed is greater than among officers who were 22 or more years old when appointed.*

**H26:** *The rate of involuntary separations for brutality and other non-profit abuses is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H27:** *The rate of involuntary separations for non-line of duty criminal conduct (e.g., off-duty thefts and fraud; drug crimes) is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H28:** *The rate of involuntary separations for drug test failures and refusals is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

**H29:** *The rate of involuntary separations for administrative rule breaking is greater among officers who were less than 22 years old when appointed than among officers who were 22 or more years old when appointed.*

We tested these hypotheses by constructing chi-square tables in which we dichotomized age at hiring into values of *under 22* and *22 and over* and compared the percentages of officers subsequently separated for each of these offense types with their

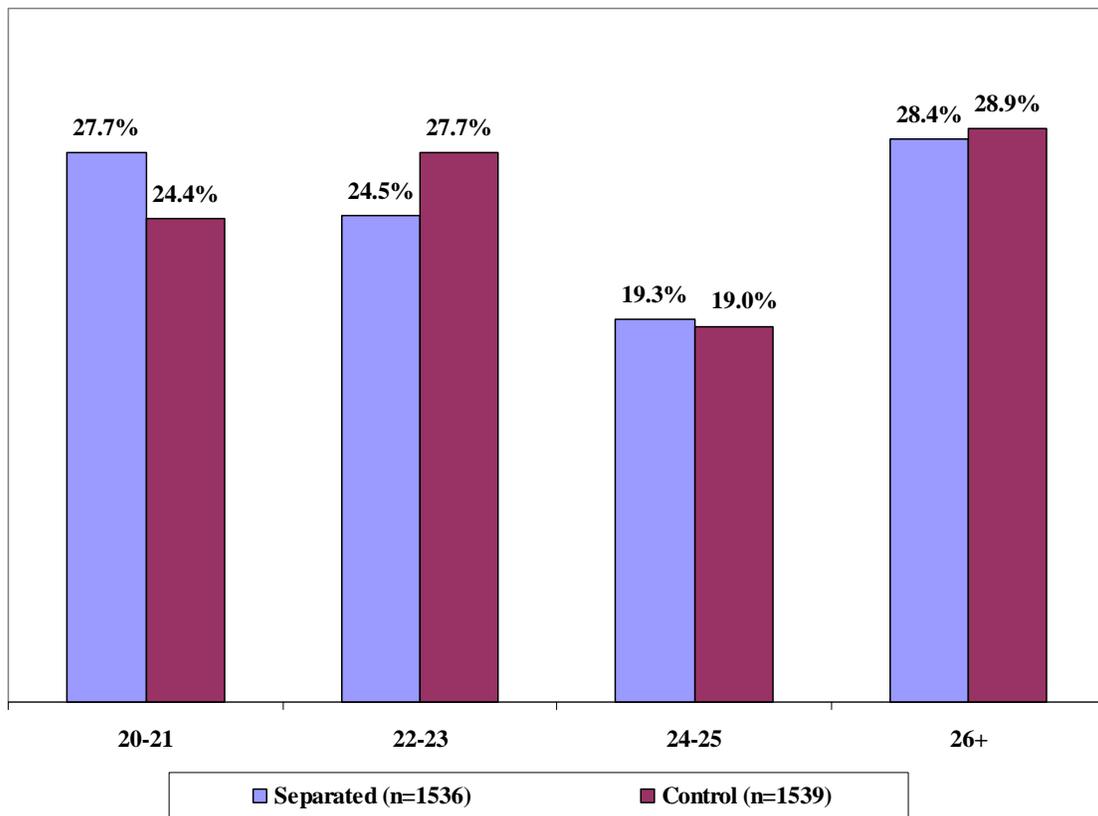
matching control officers. The short answer concerning what this showed is that, although statistical tests (here applied to a population of separated officers and a matched random sample of comparison officers) show significance only for all offenses in the aggregate ( $p=.04$ ), there is a consistent pattern across all but one offense type (drug test failures and refusals; see Figure VIII-43) in which the percentage of separated officers who were 20-21 years old when hired is higher than the percentage of control officers who were 20 and 21 when hired).

Figure VIII-40 shows this aggregate analysis, with age categories at 22 or higher further disaggregated into values of 22-23, 24-25, and 26+ (which produces a chi square significance level of .09). The figure shows that 27.7 percent of the separated officers we studied were under 22 when hired, as compared to 24.4 percent of the control officers. This difference is almost precisely reversed for officers hired at ages 22-23 (24.5% of separated officers; 27.7% of control officers). The distributions of separated and control officers at ages 24 -25 and 26+ are, for all intents and purposes, virtually identical.

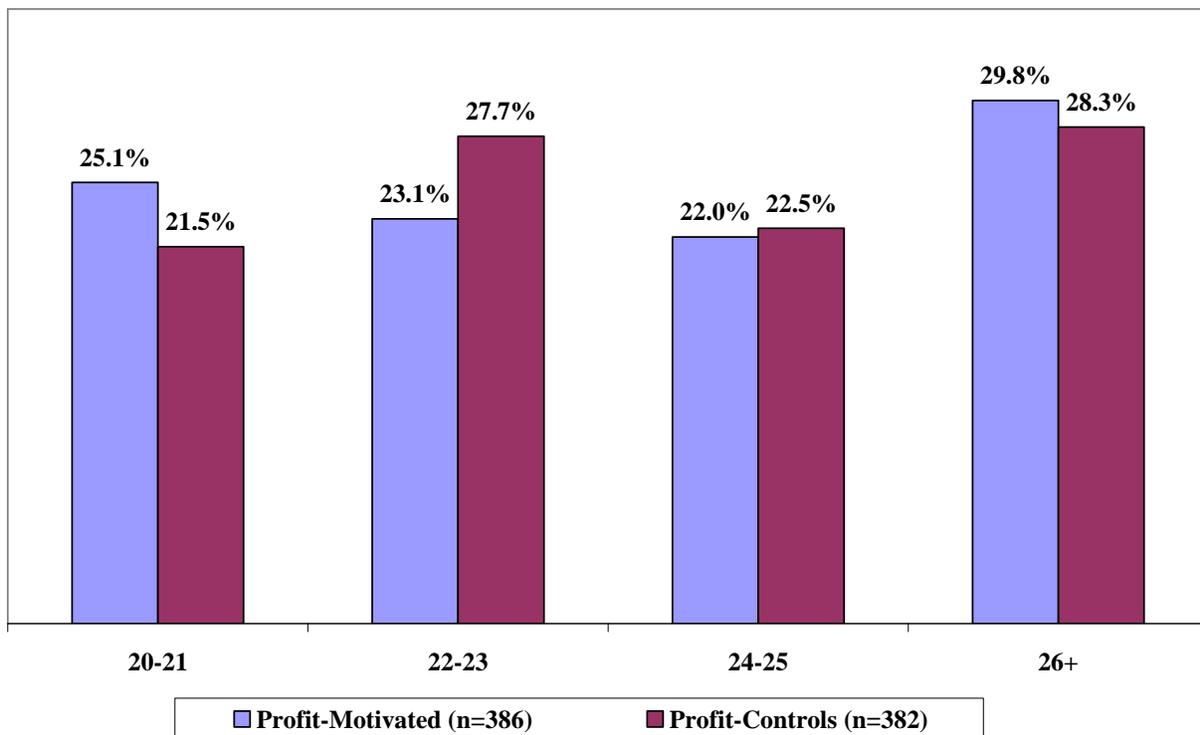
Similar patterns appear in Figures VIII-40 through VIII-45. Although none of these analyses produces a significant probability level, the trend is clear and explains why, in the aggregate, there is a statistically significant difference between those hired at under 22 years of age and those who are 22 or more when hired. In Figure VIII-41, we see that 20-21 year old hires represented a quarter (25.1 percent) of the officers separated for profit-motivated offenses, and a fifth (21.5 percent) of the matched controls. Figure VIII-42 indicates that a third (33.6%) of the officers separated for on-duty abuse, versus a quarter (25.4%) of their

matched controls were 20-21 when hired (the relationship was similar when we included for analysis only officers against whom the primary charge was on-duty abuse).

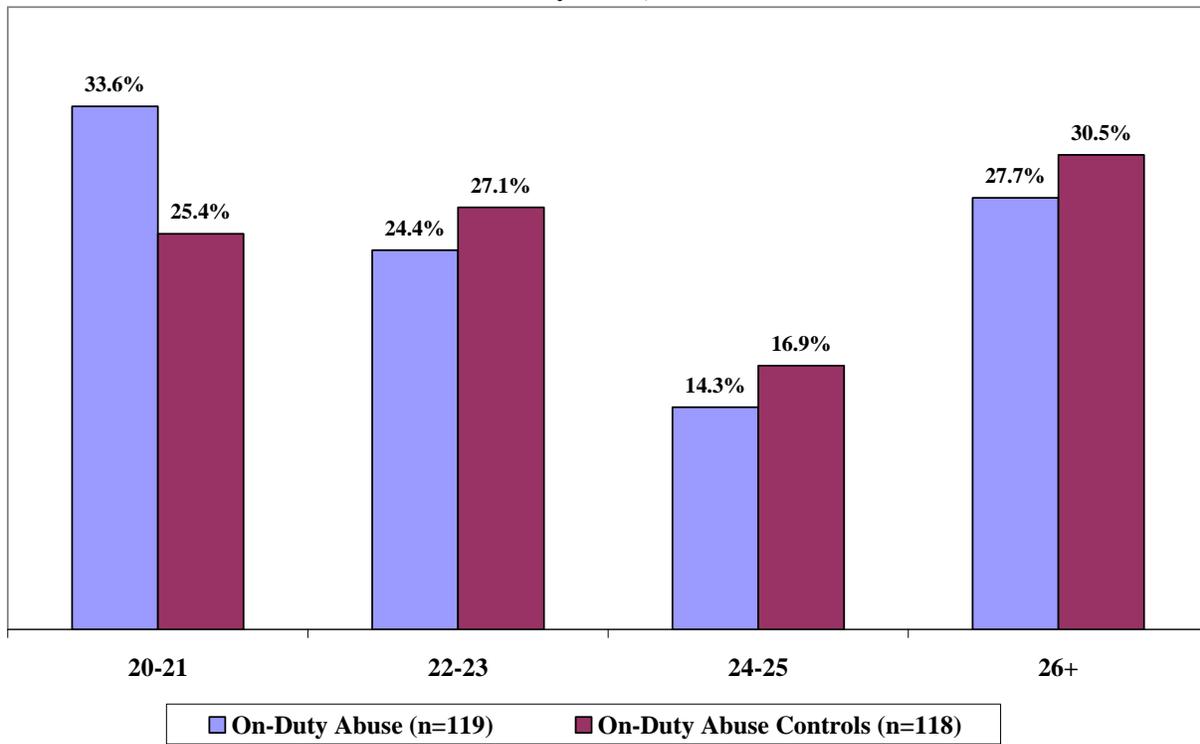
**Figure VIII-40: Separated and Control Officers' Age at Appointment, 1975-96**



**Figure VIII-41: Separated and Control Officers' Age at Appointment, Profit-Motivated Offenses, 1975-96**



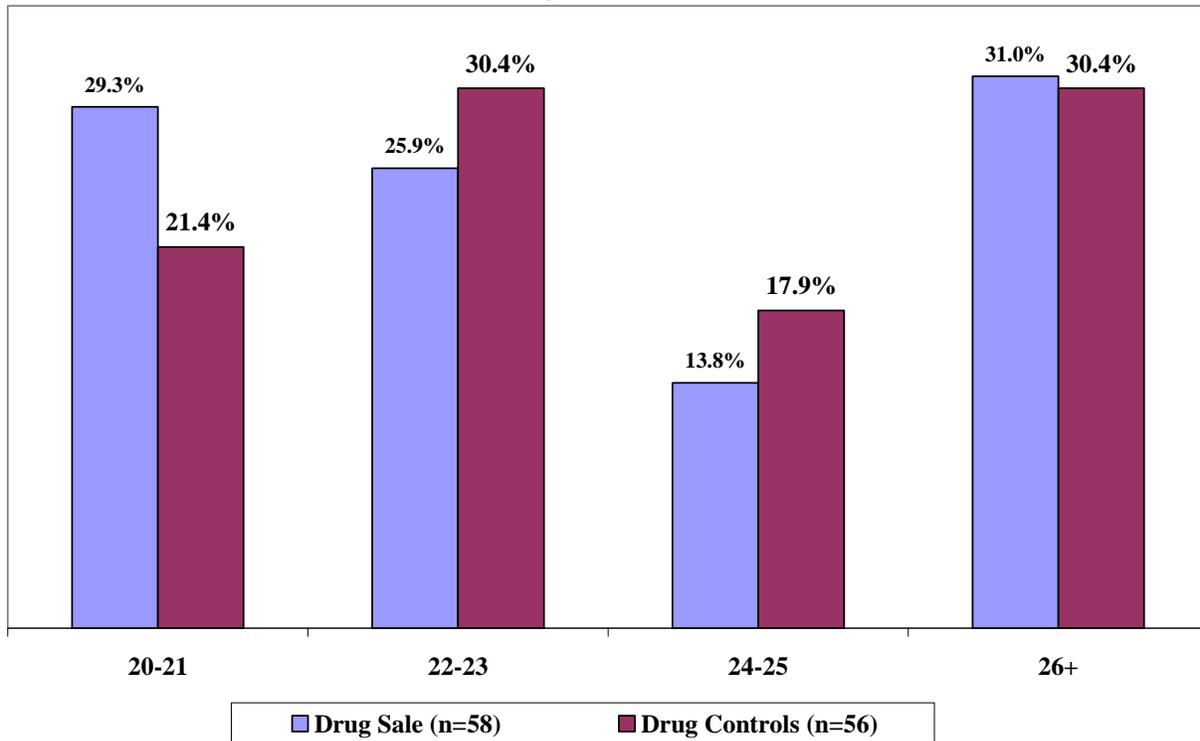
**Figure VIII-42: Separated and Control Officers' Age at Appointment, On-Duty Abuse, 1975-96**



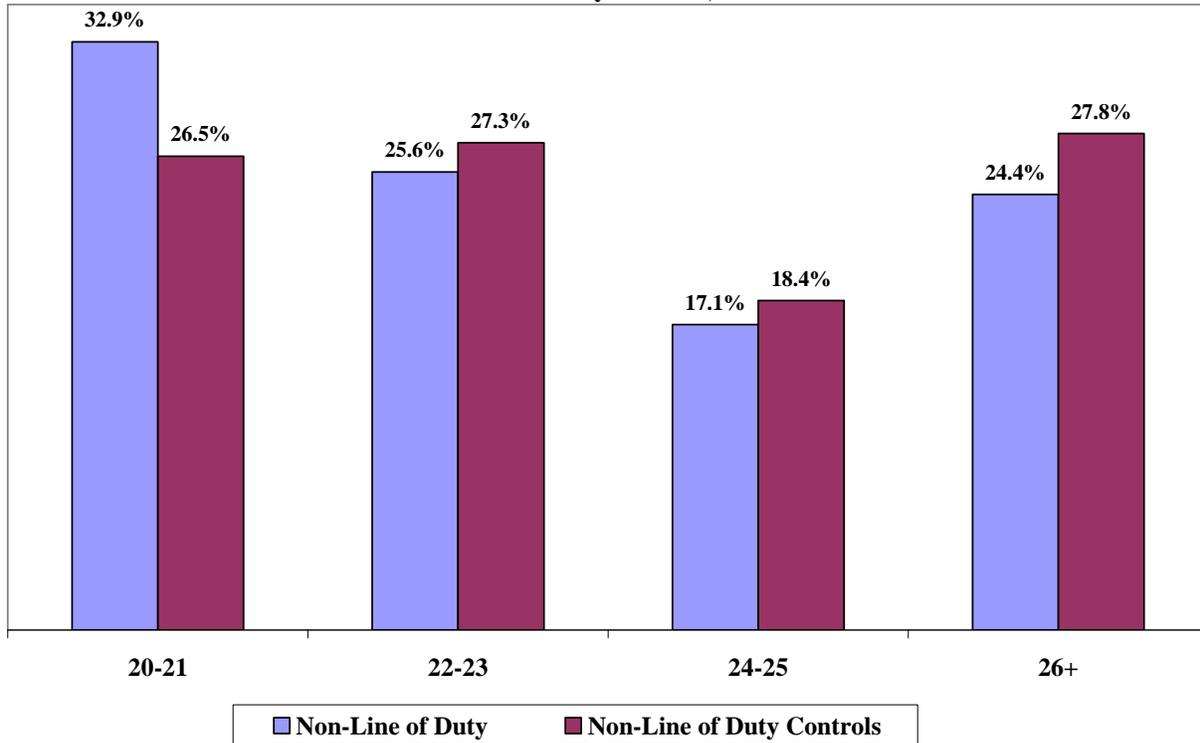
In Figure VIII-43, we observe that three in ten (29.3%) of officers separated for drug sales were 20 or 21 when hired, versus two in ten (21.4%) of their controls. Figure VIII-44 shows that a third (32.9%) of officers separated for non-line of duty offenses were 20 or 21 when hired, as versus a quarter (26.5%) of their controls. Only Figure VIII-45's analysis of officers separated for drug test failures and refusals runs contrary to this trend (22.4% of separated officers and 26.8% of control officers were under 22 when hired). Figure VIII-46 shows only a very minor difference between the percentage of 20 and 21 year-old hires separated for administrative rules violations and their matched controls (30.2% versus 27.2%).

Thus, the chi square tests we conducted suggest that people who were hired by the NYPD at ages 20 and 21 were more likely than their older Police Academy classmates to have ended their careers with involuntary separations. This confirms our **H24**. Although we did not derive statistically significant differences in the offense-specific analyses conducted to test **H25** through **H29**, when taken in toto, our analyses suggest that the NYPD was wise to raise its minimum age at entry from 20 to 22.

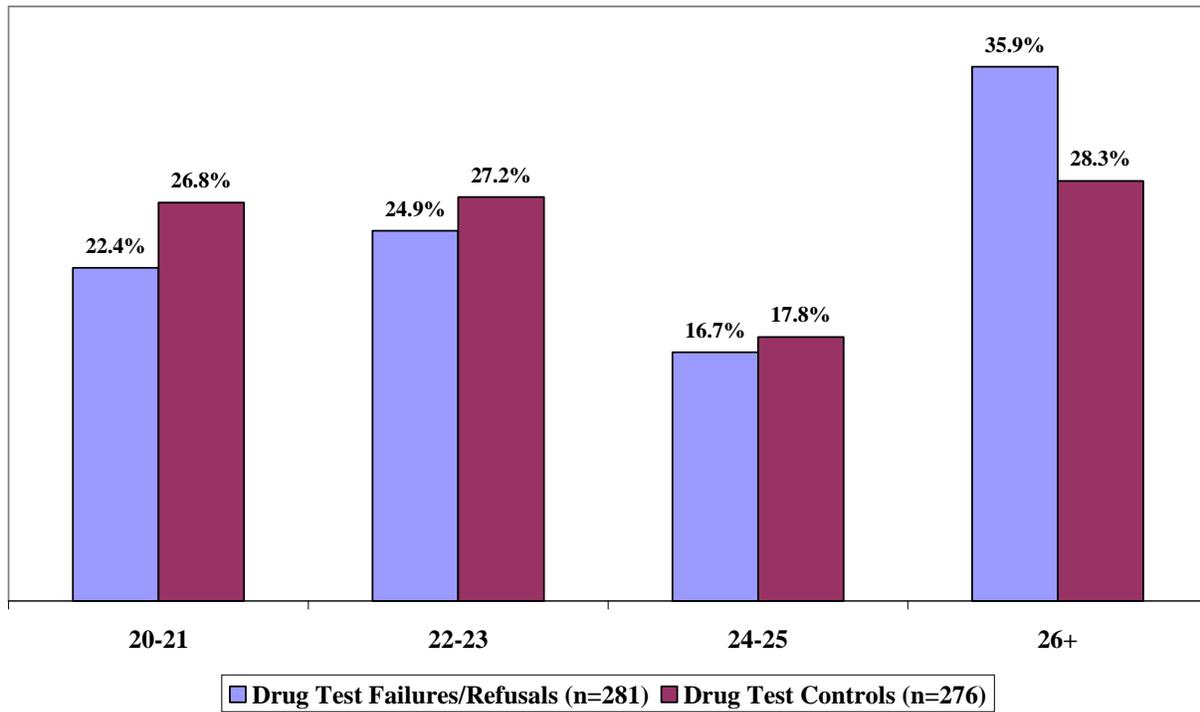
**Figure VIII-43: Separated and Control Officers' Age at Appointment, Drug Sales, 1975-96**



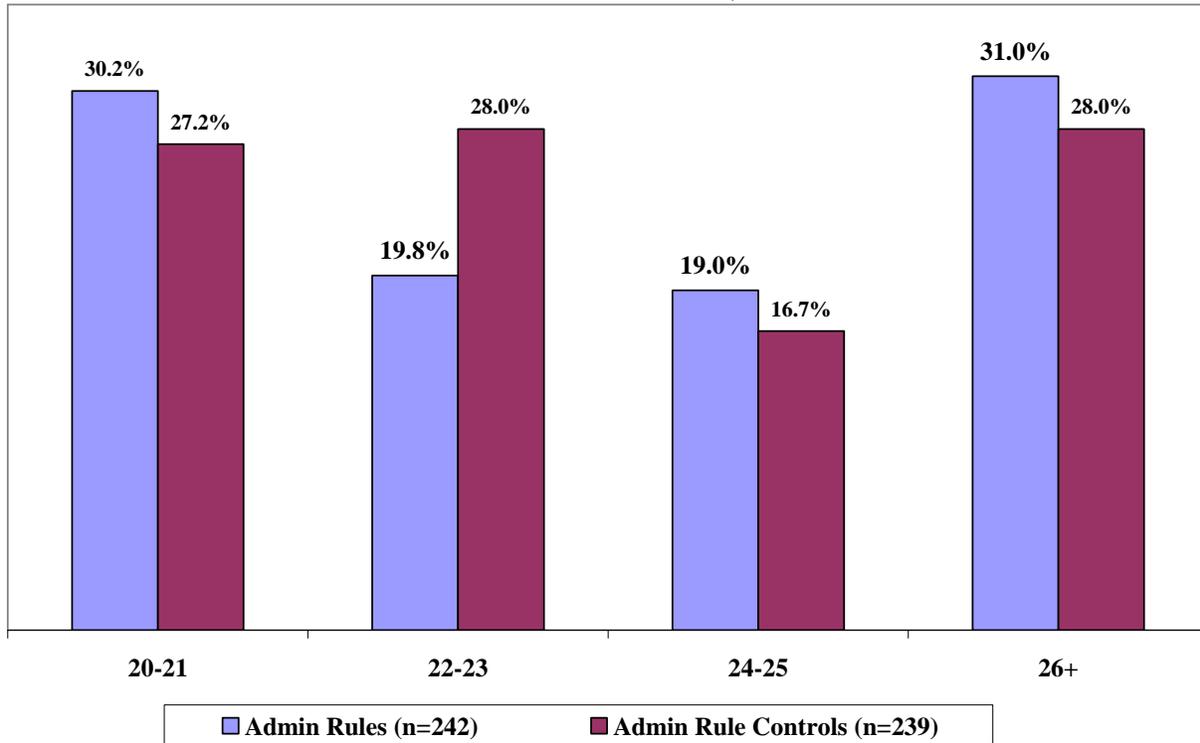
**Figure VIII-44: Separated and Control Officers' Age at Appointment, Non-Line of Duty Offenses, 1975-96**



**Figure VIII-45: Separated and Control Officers' Age at Appointment, Drug Test Failures and Refusals, 1975-96**



**Figure VIII-46: Separated and Control Officers' Age at Appointment, Administrative Rules Violations, 1975-96**



## Prior Employment, Life History, and Involuntary Separation

We hypothesized that:

**H30:** *Rates of involuntary separation for all types of police misconduct are higher for the following categories of officers than for other officers:*

**H30a:** *officers who were dismissed by previous employers.*

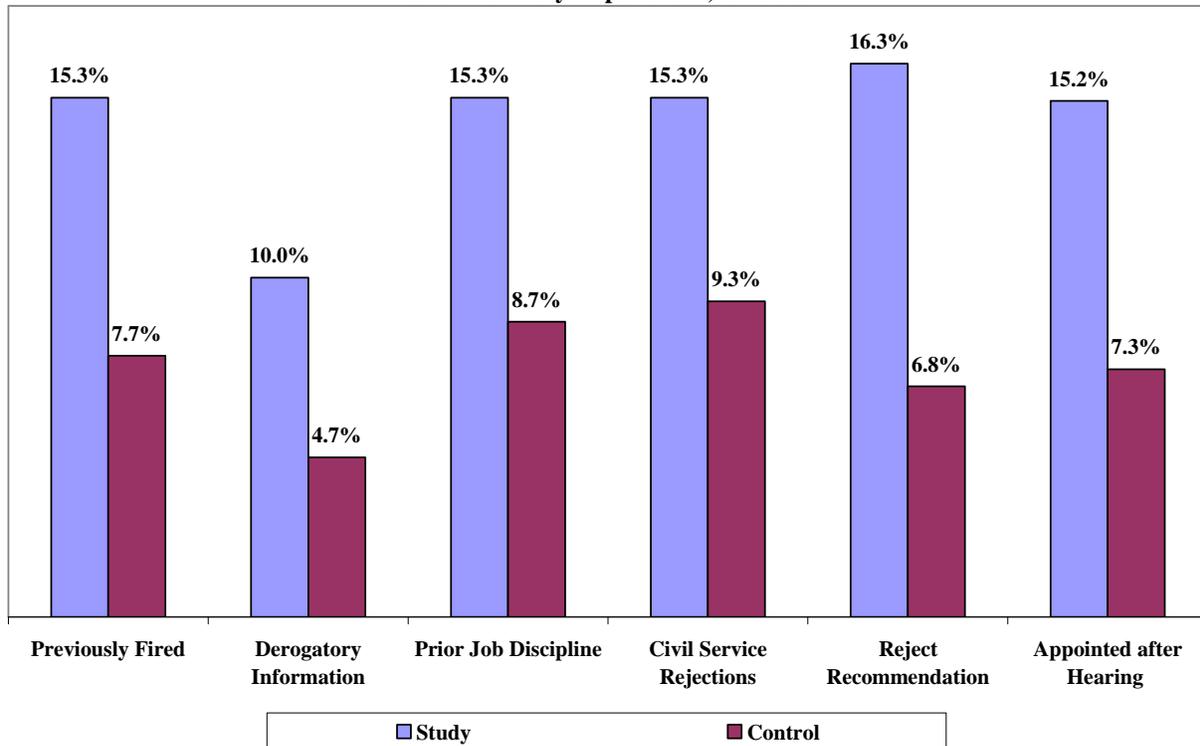
**H30b:** *officers whose prior employers gave police investigators derogatory information about them.*

**H31:** *Officers with military records that include no discipline are less likely than officers without military experience or with military disciplinary histories to be involuntarily separated.*

Prior Employment. Our tests of **H30a** and **H30b** appear in Figure VIII-47, which also includes data on four other salient background variables B whether officers previously had been rejected by civil service employers, whether officers had been disciplined by their employers before they were hired by the NYPD, whether officers had been hired over the objections of one or more of the personnel investigators assigned to their cases, and whether officers were hired only after civil service appellate boards overturned negative recommendations by the NYPD=s Applicant Processing Division.

The figure shows that both hypotheses are confirmed, and that the analyses of the other four variables follow the same trend B that, however measured, unsatisfactory performance in prior jobs is associated with career failure in the NYPD. Officers who previously had been fired from one or more jobs (maximum = 5 previous job dismissals) were found in the study group approximately twice as often as in the comparison group (15.3% v. 7.7%), as were officers whose prior employers gave investigators derogatory information about them (10.0%

**Figure VIII-47: Separated and Control Officers' Prior Employment and Pre-Entry Experiences, 1975-96**



v. 4.7%);<sup>111</sup> officers who previously had been disciplined in other jobs (15.3% v. 8.7%); officers who had previously been refused civil service employment (15.3% v. 9.3%); officers whose assigned personnel investigators recommended that they not be hired as police officers (16.3% v.6.8%); and officers who were hired after appeals boards overturned the Applicant Processing Division=s recommendation that they not be hired (15.2% v. 7.3%).

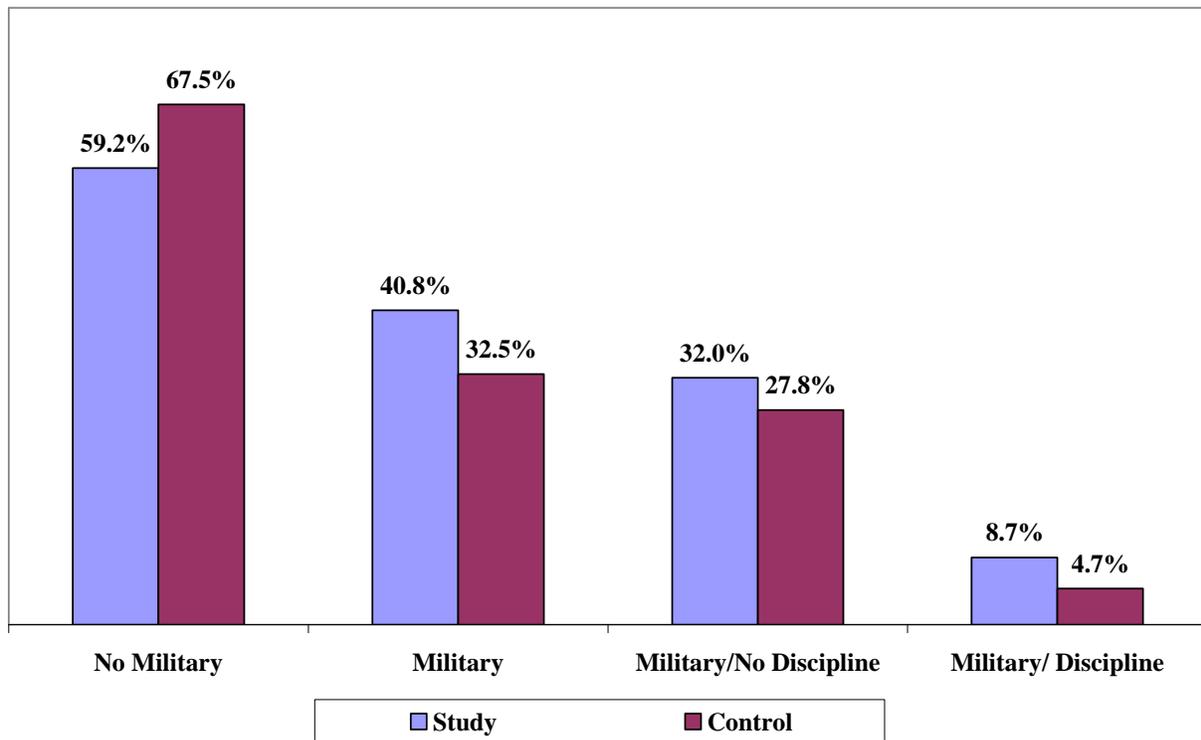
These are all quite strong associations, producing chi square statistics significant below the .0001 level. Expressed another way: our data include a number of officers who had previously been fired (n=323); worked for people who gave them poor ratings (n=202) or disciplined them (n=296); been rejected for civil service employment (n=303); recommended for rejection by their personnel investigators (n=315); or hired only on appeal from the NYPD=s rejection recommendation (n=307). All other things being equal, one would expect that these groups would be equally split between our study and control groups. Instead, two-thirds of the members of each group are study officers, indicating that officers who share any of these experiences are more likely than their colleagues to be fired or forced to resign.

Military Experience. Our analyses concerning prior civilian employment produced results consistent with what would expect on the basis of both theory and common experience, but our analysis of military experience produced surprises. Contrary to common belief, we found that officers whose pre-employment histories included military service were more likely than non-veterans to have been involuntarily separated from the NYPD. Figure VIII-48 shows

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<sup>111</sup> The derogatory information consisted of assessments of police candidates= character and reliability, as well as responses to inquiries about whether employers would rehire them if given the opportunity.

**Figure VIII-48: Separated and Control Officers' Military Experiences, 1975-96**



three in five of our study officers (59.2%) and two-thirds of the comparison officers (67.5%) entered policing without any history of military service. The converse, of course, is that 40.8 percent of the separated officers and 32.5 percent of the comparison officers had served in the military before becoming NYPD officers. This association is significant at the .001 level, in the direction opposite that anticipated in our hypothesis.

Moving further to the right on the figure shows that officers who served in the military without being disciplined are more frequently found in the study group than in the control group (32.0% v. 27.8%;  $p < .001$ ), as are officers who were disciplined in the military (8.7% v. 4.7%;  $p < .001$ ). All of this compels us to reject **H31**. In order to accept it, we would have to find, first, that the percentage of control officers had served in the military without being disciplined was lower than the percentage of control officers without military records. It is not. Sliced another way, the data in Figure VIII-48 disclose that 54.8 percent of the 1,862 non-veterans we studied were members of the control group, as compared to 48.1 percent of the 876 veterans who had not been subjects of military discipline. Thus, even though we did reach the second finding predicted in **H31 B** only 36.4 percent of the 195 veterans with military discipline were in the control group, significantly lower than the 48.1 percent of veterans without discipline, we must reject **H31**. Instead, it appears that, with or without histories of military discipline, veterans were more likely than non-veterans to have been involuntarily separated by the NYPD during 1975-96.

This finding runs contrary to what one would expect based on widely held beliefs and policies that grant extra credit or even absolute preference to veterans who compete for civil service jobs like policing. In searching to explain it, we considered whether it might be

attributable to spikes in separations, perhaps caused by the introduction into the NYPD of veterans whose experiences in the military, or some other consideration, should have kept them out of policing. Most specifically, much has been written on Vietnam-era veterans and their difficulty in adjusting to civilian life and, presumably, to sensitive careers like police work (see, for example, Kendal, 1978; Mitchell, 1988; Otten, 1978; Salasin, 1981; Silva, et al., 2001). The general tenor of this literature is that Vietnam veterans are especially vulnerable to maladjustment, addiction, criminality, and other manifestations of posttraumatic stress disorder. It would lead one to expect that officers who served in the military during the Vietnam era would subsequently be most likely to be separated from the NYPD.

We examined this theory in Figures VIII-49 through VIII-51. Figure VIII-49 tracks the percentages of military veterans among officers separated during each year and the percentage of veterans among each annual cohort's matched control officers. Starting at Figure 49's left side, for example, we see that 75 percent of the officers separated in 1975 (n=55) were military veterans, as compared to 69 percent of their matched control officers. After that year, the data for each group follow very much the same trend ( $r=0.65$ ), with the percentage of military veterans among study officers consistently higher than the percentage of veterans in the comparable control groups. Only in the figure's very last year (1996, when 75 percent of the 83 study officers and 15.5 percent of the controls were veterans) is there any suggestion that the trend might be changing. Thus, there is no evidence in the figure that officers separated in any particular year or groups of years account for the disparity in military service among the study and comparison officers.

**Figure VIII-49: Percentage of Study and Control Officers with Military Experience, by Study Officer Separation Year**

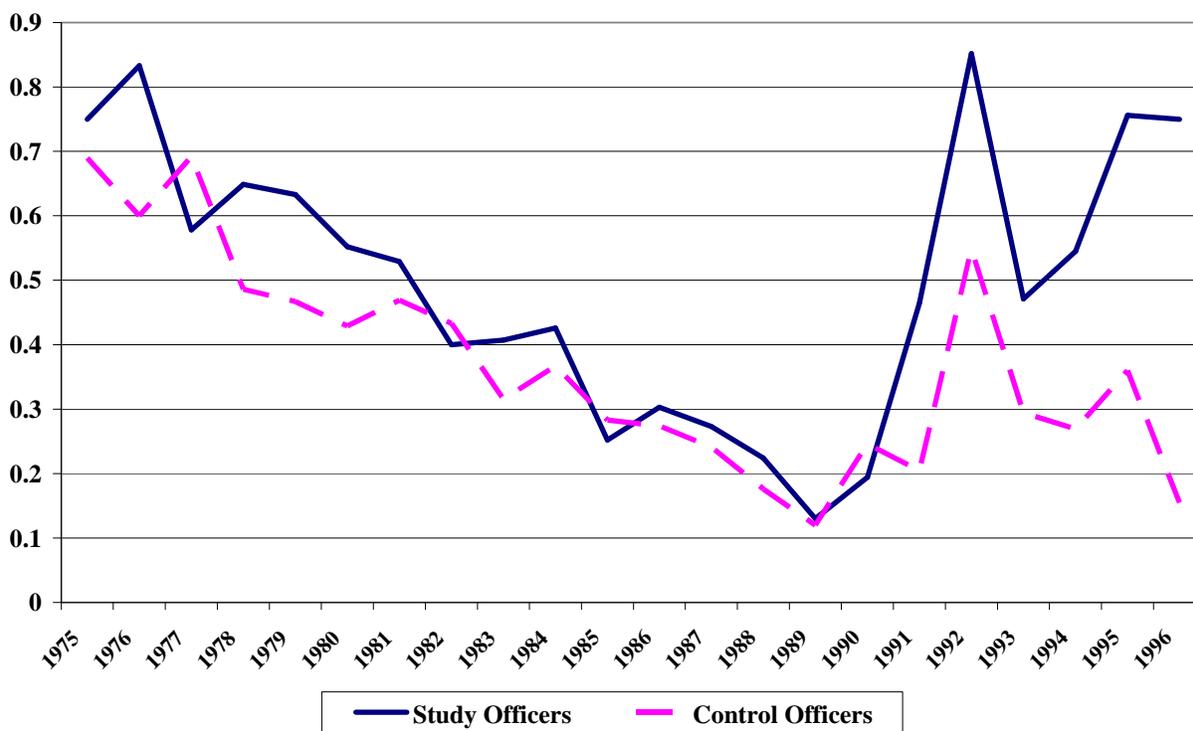


Table VIII-50 also offers no support to any theory about unfit Vietnam veterans. Here, we again see that the percentage of veterans among each annual cohort's study group officers typically is higher than that of the control officers, but that the correlation between the two is extremely high ( $r = 0.87$ ).<sup>112</sup>

Table VIII-51 suggests that the issue of when officers entered the military is more salient than when they entered or left the NYPD. Here, we can see that the number of study and control officers who entered the military was remarkably consistent during 1942 through 1973 ( $r=0.90$ ), but that this relationship becomes irregular thereafter ( $r$  for 1974-95 = 0.09). All other things equal, the random manner in which our control group was selected would cause one to expect that approximately the same number of study and control group veterans would have entered the military during each year. Throughout the first 32 years covered by Figure VIII-51, the annual frequency of study group veterans entering the military typically outnumbered control group veterans by a slight margin. This continued throughout the Vietnam era, but changed in 1974. In 1974, 33 of the officers we studied entered the military; 30 of these were control officers, and only three were study officers. This was the year before the formal cessation of hostilities, and several years after the 1967-69 period in which the war's heaviest fighting and casualties were suffered. After that, the pattern became extremely irregular. In 1975, 17 study officers and seven control officers entered the military; in 1976 the split was 59 study officers and 11 control officers; in 1980, nine study officers and

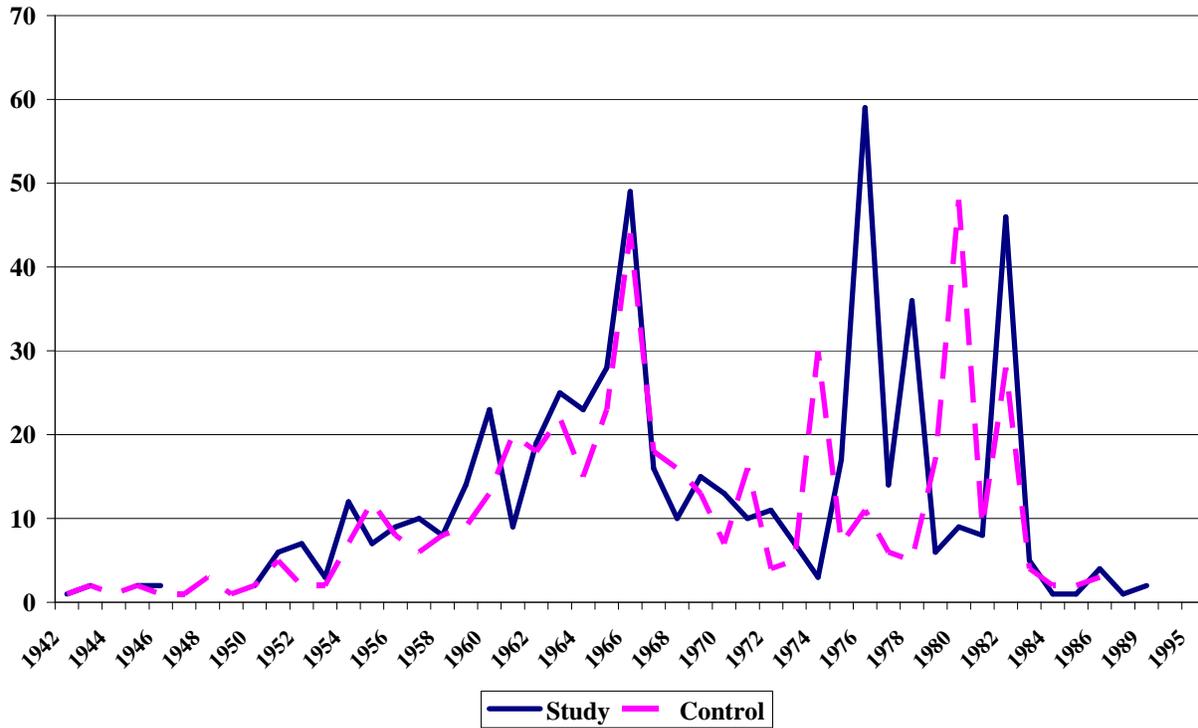
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<sup>112</sup> During 1946-60, 34 veterans entered the NYPD and wound up in the study group, while our control officers for the same years included 31 veterans. For purposes of conciseness, we collapsed them into one category on Figure VIII-49.

**Figure VIII-50: Percentage of Study and Control Officers with Military Experience, by Year Officers Appointed to NYPD**



**Figure VIII-51: Year in Which Study and Control Veterans Entered the Military**



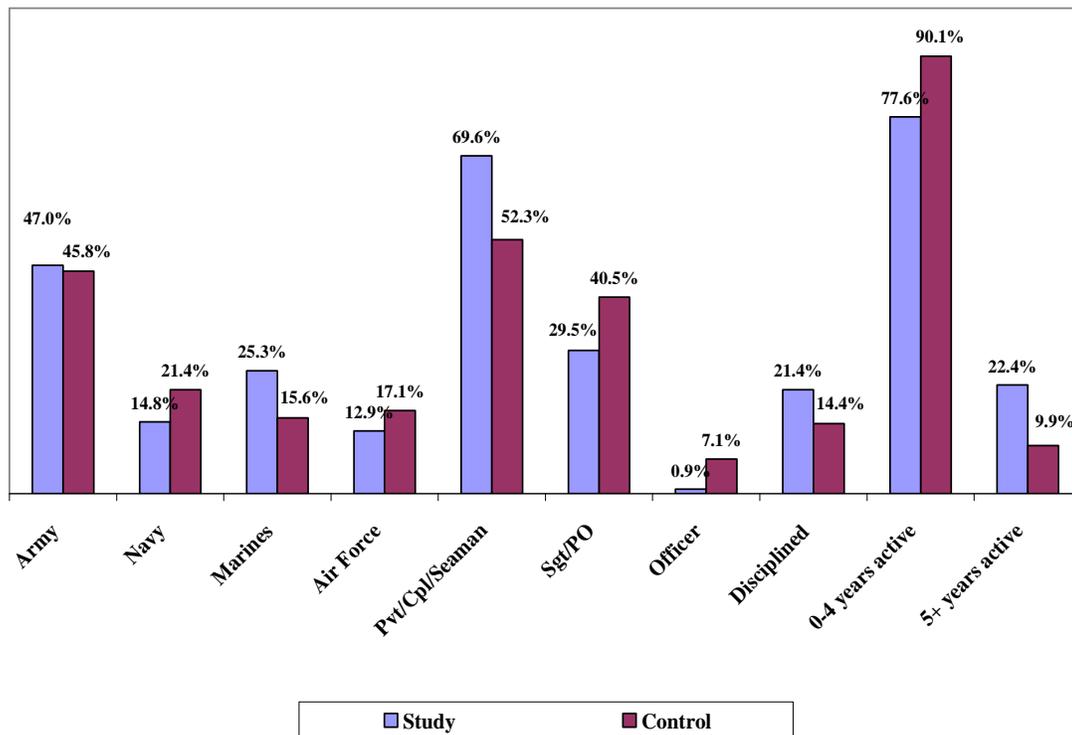
48 control officers. Despite these annual fluctuations, the ratio of study:control officers remained relatively constant over the period studied (e.g., 52.9 percent of the veterans who entered the military during 1942-73 found their way into the study group, versus 54.1 percent during 1974 through the end of the study).

We then attempted to determine whether explanations for this might be associated with variations in officers= military experience. Figure VIII-52 describes the branches of the service, highest military ranks, and length of active duty among the study and control officers who served in the military. There are significant differences on all three dimensions. The figure shows that Navy and Air Force veterans are more frequently found among control officers than among study officers, and that Marine Corps veterans are overrepresented among study officers. Fewer than 15 percent of the study veterans had served in the Navy (14.8%), as compared to 21.4% in the control group. Similarly, 12.9 percent of the study veterans and 17.1 percent of the control veterans had been in the Air Force. Conversely, 25.3 percent of the study veterans and only 15.6 percent of the control veterans were Marine Corps alumni.<sup>113</sup> The representation of Army veterans in both groups is virtually identical (study=47.0%; control=45.8%). Thus, while many former Marines have achieved great success in the

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<sup>113</sup> Excluded from the figure are small percentages of study and control officers who had served in the Coast Guard or in other countries= military services.

Figure VIII-52: Military Experiences of Study and Control Officers



NYPD,<sup>114</sup> it also appears that Marine veterans are more likely than veterans of other services to be involuntarily separated from the NYPD.

There also are significant differences between the military ranks achieved by separated and control officers, and they are in the direction one might expect: separated officers generally achieved less success in the military than did their control group colleagues. Seven in ten of the study group officers (69.6%) never rose above the rank of private, private first class, corporal or seaman, as compared to half (52.3%) of the control officers. Conversely, four in ten control officers (40.5%) and three in ten study officers (29.5%) achieved sergeant or petty officer ratings. Fewer than one in a hundred of the study group (0.9%) achieved commissioned officer status in the military, while control officers accomplished this distinction eight times as frequently (7.1 percent).

Finally, the right side of the figure shows a very strong association between length of active military service and whether officers were separated. Here, we see that the percentage of study group veterans who served a normal full four-year enlistment or less (77.6%, n=433) is lower than that of the control officers (90.1%, n=436). Conversely, of course, study officers who served five or more years in the military (and who therefore presumably reenlisted)

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<sup>114</sup> Distinguished Marine Corps alumni dominate the NYPD's top command. The current Police Commissioner, Deputy Commissioner for Counter Terrorism, Chief of Department, Chief of Patrol, Chief of Personnel, and many other top administrators are Marine Corps veterans.

outnumber control veterans with such long service by more than two to one (22.4%, or 125, versus 9.9%, or 48).

Thus, our analysis of military experience among the officers we studied has produced some complicated and surprising results. First, military experience bears a relationship with involuntary separation from the NYPD that is the converse of what we expected B military veterans are more likely than non-veterans to have been separated by the department during the period we studied. But this difference is largely accounted for by officers who did not advance in the military, and/or who served more than one enlistment, and/or who were disciplined in the military, and/or who served in the Marines. We shall return to examine this issue later in this report, when we construct multivariate models that distinguish between study and control officers. Here, we find that much of the relationships between military experience and police career success may be attributable to other, confounding, variables.

#### Education and Involuntary Separation

We postulated that:

**H32:** *Rates of involuntary separation for all types of police misconduct are inversely associated with officers' years of education at entry into the NYPD.*

**H33:** *Officers= years of education at entry into the NYPD is positively associated with movement into supervisory and management ranks.*

**H34:** *Officers= educational attainment after entry into the NYPD is positively associated with movement into supervisory and management ranks.<sup>115</sup>*

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<sup>115</sup> Our original proposal also hypothesized some relationships between officers= scores on standard IQ tests and their dismissal rates. We have since found that the NYPD has not regularly tested or recorded IQ scores, and have removed this discussion from the current proposal.

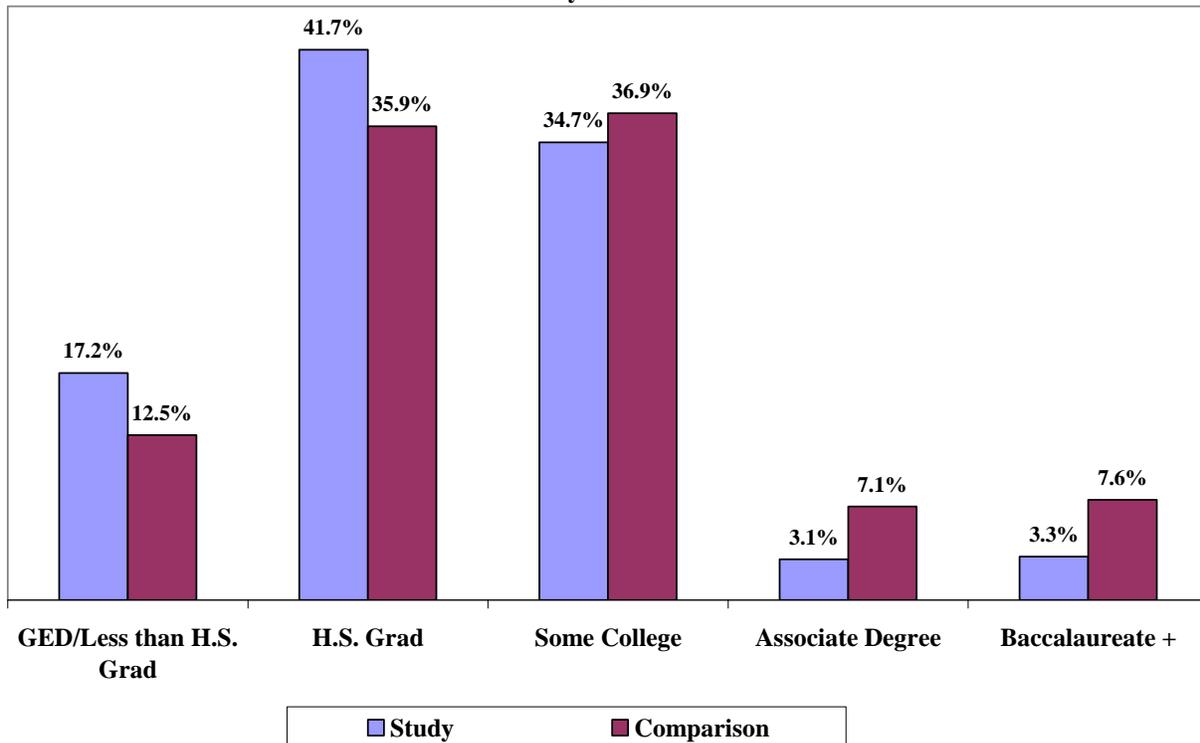
We were able to test **H32** and **H33** but, because of the sketchy nature of data on post-entry educational attainment among officers who had left the NYPD by the time we began our research, we were unable to test **H34**.

Education and Separation. We tested **H32** by aggregating officers' educational levels at entry into four categories: General Equivalency Diploma/Less than High School Diploma; Four-Year High School Graduate; Some College (less than an associate's degree); Associate's Degree; and Baccalaureate and Beyond. The results are shown in Figure VIII-53, and confirm the hypothesis ( $p < .001$ ). Beginning at the left, the figure shows that 17.2 percent of the study officers and 12.5 percent of the control officers had a General Equivalency Diploma or had not finished high school when they became police officers.<sup>116</sup> Forty two percent (41.7%) of the study officers and 35.9% of the control officers entered the department holding high school diplomas and no further education. The figure's central bars show no real differences, with about about 35 percent of each group having completed some college not leading to any degree (study=34.7%; control=36.9%). Differences show up in the figure's two right side bars, with the percentages of control officers who had achieved associate or baccalaureate degrees (7.1% and 7.6%, respectively), more than twice as high as the comparable percentages for study officers (3.1% and 3.3%).

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<sup>116</sup> The data include seven officers, all hired in the 1950s, who entered the department without having completed high school educations or equivalency diplomas.

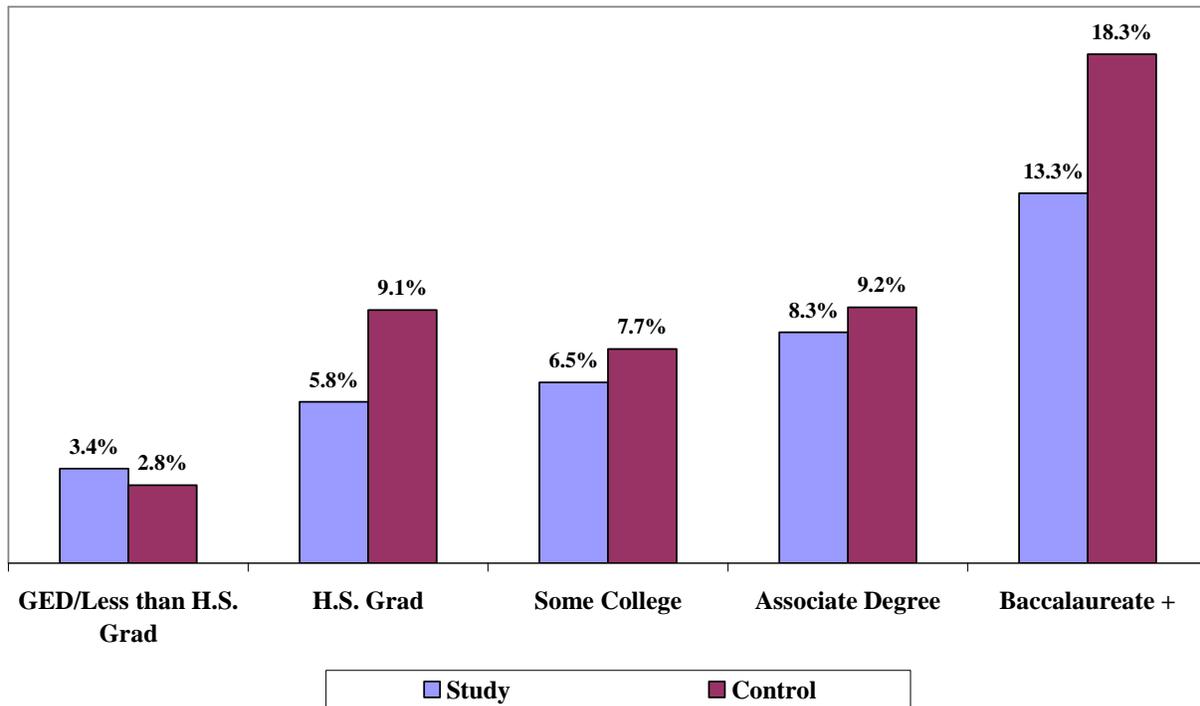
**Figure VIII-53: Separated and Control Officers' Educational Levels at Entry to the NYPD**



Education and Rank To test **H33**, we included in analysis only officers who had completed five or more years of service prior to the 1996 end of the period we studied. We did this on grounds that it has been rare for officers to achieve supervisory rank in less time than this. We also split officers on the study/control dimension. As we have already seen, there are differences in rank between the two; further, most control officers= careers continued beyond their matched study officers= separation dates. The results appear in Figure VIII-54, which confirms the hypothesis. The figure shows that 3.4 percent of the study officers and 2.8 of the control officers with GEDs or less had attained supervisory or command rank (n=148 and 143, respectively) and that these percentages trend upward as educational level increases. By the time we reach the highest level, we find that 13.3% of study officers (n=15) and 18.3 percent of control officers (n=93) holding baccalaureate degrees at their appointment went on to achieve rank in the NYPD.

Education and Career Success. The clear conclusions of our tests of these two hypotheses are, first, that marginally educated officers were significantly more likely than their better educated colleagues to end their NYPD careers with involuntarily separations; and, second, that better educated officers are more likely than their colleagues to advance in rank. These are findings consistent with a string of prior research (Cohen and Chaiken, 1972, 1973; Bowker, 1980; Murrell, 1982; Reuss-Ianni, 1983; Hayeslip, 1989; Kappeler, Sapp, and Carter, 1992; O=Sullivan, 1994; Palombo, 1995; Eterno, 1996; Smith and Aamodt, 1997; Johnson,

**Figure VIII-54: Percentage of Study and Control Officers with Five+ Years Service in Supervisory or Command Ranks, by Educational Level at Entry into NYPD**



2000; Polk and Armstrong, 2001; Johnston and Cheurprakobkit, 2002; Lersch and Kunzman, 2002),<sup>117</sup> as well as with the recommendations of virtually every authority and scholar who has ever spoken or written on the issue (American Bar Association, 1973; Clark, 1970; diGrazia, 1977; Eskridge, 1989; Fosdick, 1920; Goldstein, 1977; Guyot, 1979; Leonard and More, 1964; McManus, et al., 1970; Murphy and Plate, 1977; Myrdal, 1944; National Advisory Commission on Civil Disorders, 1968; National Advisory Commission on Criminal Justice Standards and Goals, 1973; Philadelphia Police Study Task Force, 1987; President=s Commission, 1967; Saunders, 1970; Sherman, et al., 1978 ;Vollmer, 1972; Wilson, 1950; Witham, 1985). Certainly, our findings ratify the NYPD=s decision to require that new officers have completed 60 college credits, approximately the equivalent of an associate degree, before entering the department.

#### Academy and Probationary Performance and Involuntary Separation

We hypothesized that:

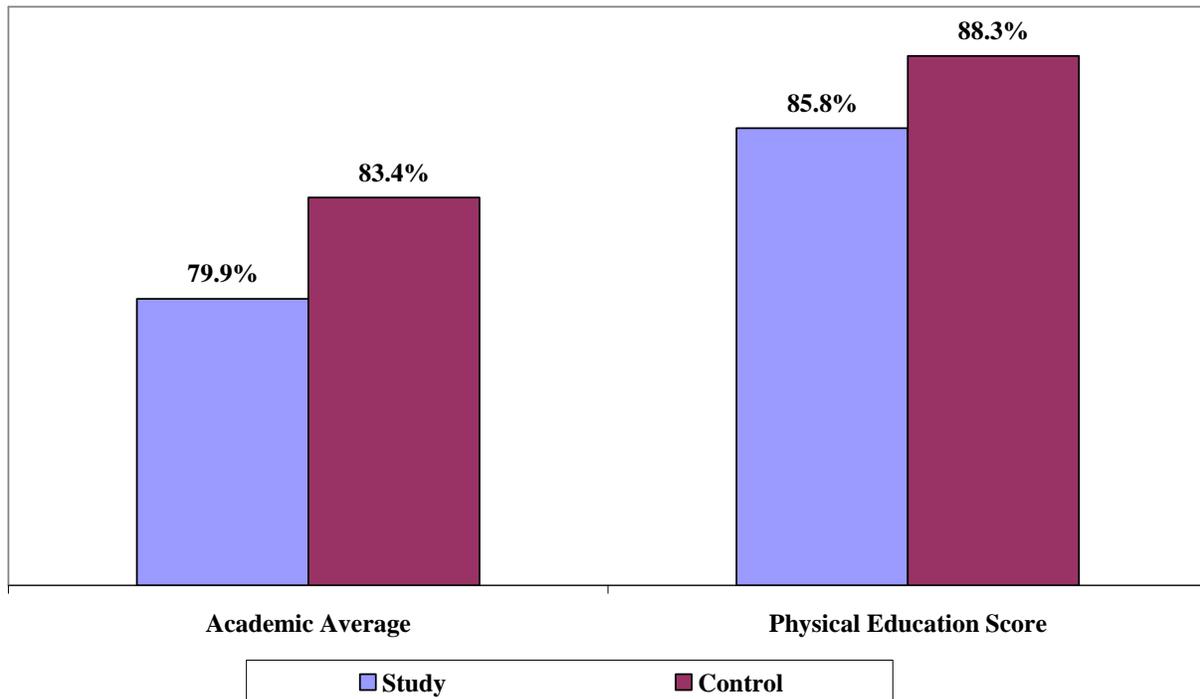
**H35:** *Rates of involuntary separation for all types of police misconduct are inversely associated with officers' Police Academy academic averages.*

We present data responsive to this hypothesis, as well as data related to study and control officers= performance on the Police Academy=s exit physical strength and agility examination in Figure VIII-55. To avoid confounding our results, we excluded probationers

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<sup>117</sup> Worden (1990) is one of few studies that did not report a relationship between police educational attainment and some aspect of police job performance.

**Figure VIII-55: Study and Control Officers's Academic and Physical Scores in Police Academy (Excludes Separated Probationers)**



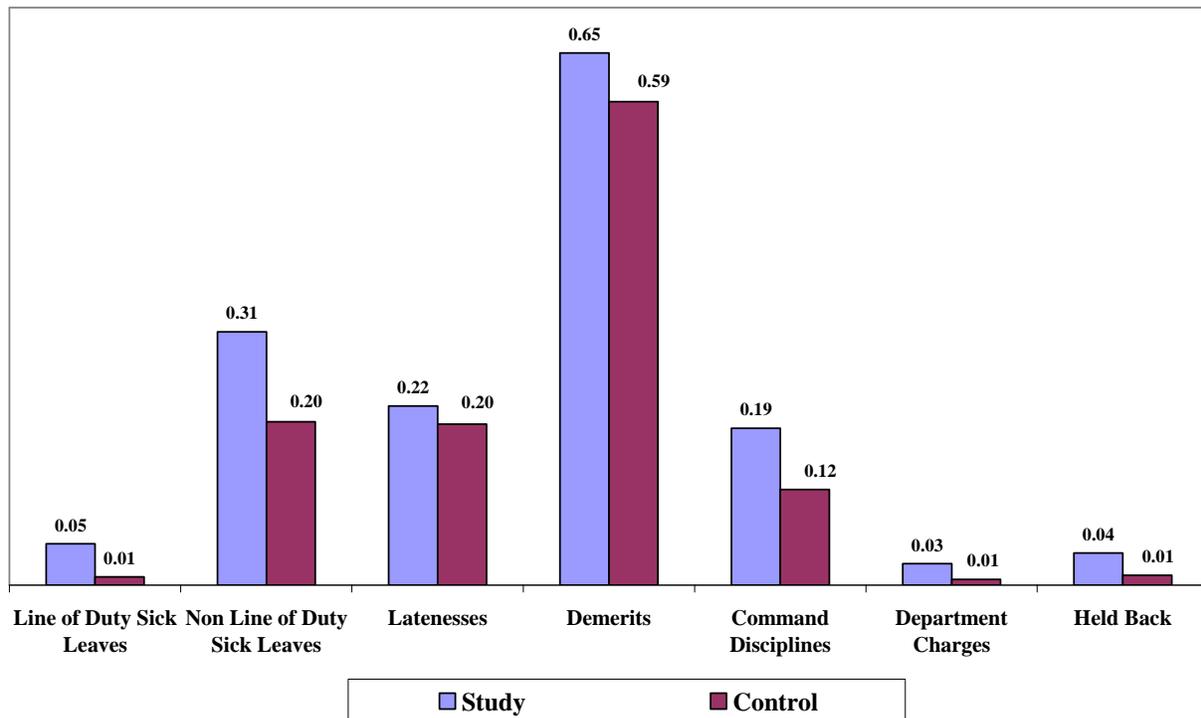
from the figure, on grounds that their academic and physical test performances might affect decisions about whether to terminate them for misconduct. Thus, the figure includes only officers who were separated from the NYPD after they had successfully completed their probationary periods as the result of decisions made by officials who, as is the practice, would not have taken Police Academy performance into account in making disposition decisions.

The figure shows confirms the hypothesis. It shows that the study officers for whom Police Academy data were available attained a mean academic average of 79.9 percent, as compared to 83.4 percent for control officers. Thus, *H35* is confirmed. The figure also shows that study officers did not perform as well as control officers on the Police Academy=s exit physical examination (mean scores = 85.8% and 88.3%).

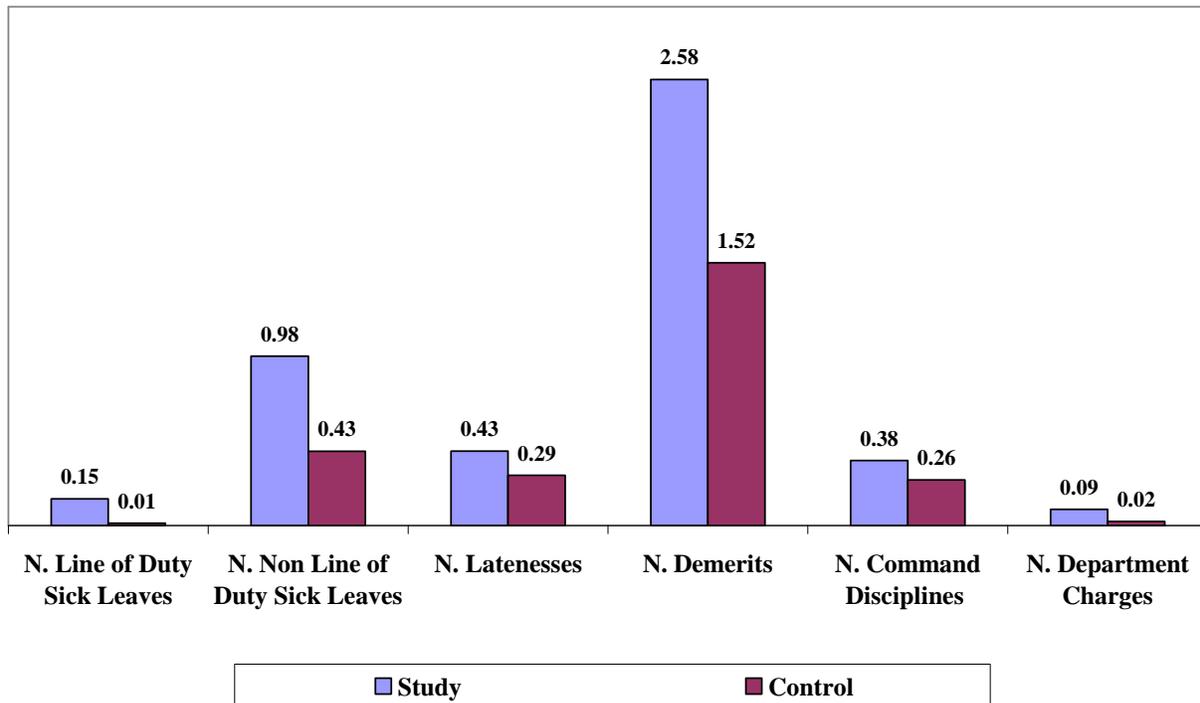
These trends are repeated in virtually all objective assessments of study and control officers= performance as recruits. Figure VIII-56 presents data on the Police Academy sick, lateness, and disciplinary histories of study officers who subsequently were separated after completing their probationary periods, along with their matched control officers. The figure demonstrates that, during their recruit training, study officers were more likely than control officers to have reported sick with line of duty injuries (5.0% v. 1.0%); to have reported sick with non-line of duty afflictions (30.7% v. 19.8%); to have been late (21.7% v. 19.5%); to have been subjects of demerits (64.5% v. 58.6%); command disciplines (19.0% V. 11.6%); and department charges (2.6% v. 0.7%). Study officers were also more likely than control officers to have been held back from graduation with their class (3.9% v. 1.2%).

In Figure VIII-57, we see that this pattern includes the frequency with which study and control officers reported sick or late or were disciplined while in recruit training. Study

**Figure VIII-56: Study and Control Officers' Sick, Late, and Disciplinary Records in Police Academy (Excludes Separated Probationers)**



**Figure VIII-57: Frequency of Study and Control Officers' Sick and Late Reports, and Disciplinary Records in Police Academy (Excludes Separated Probationers)**

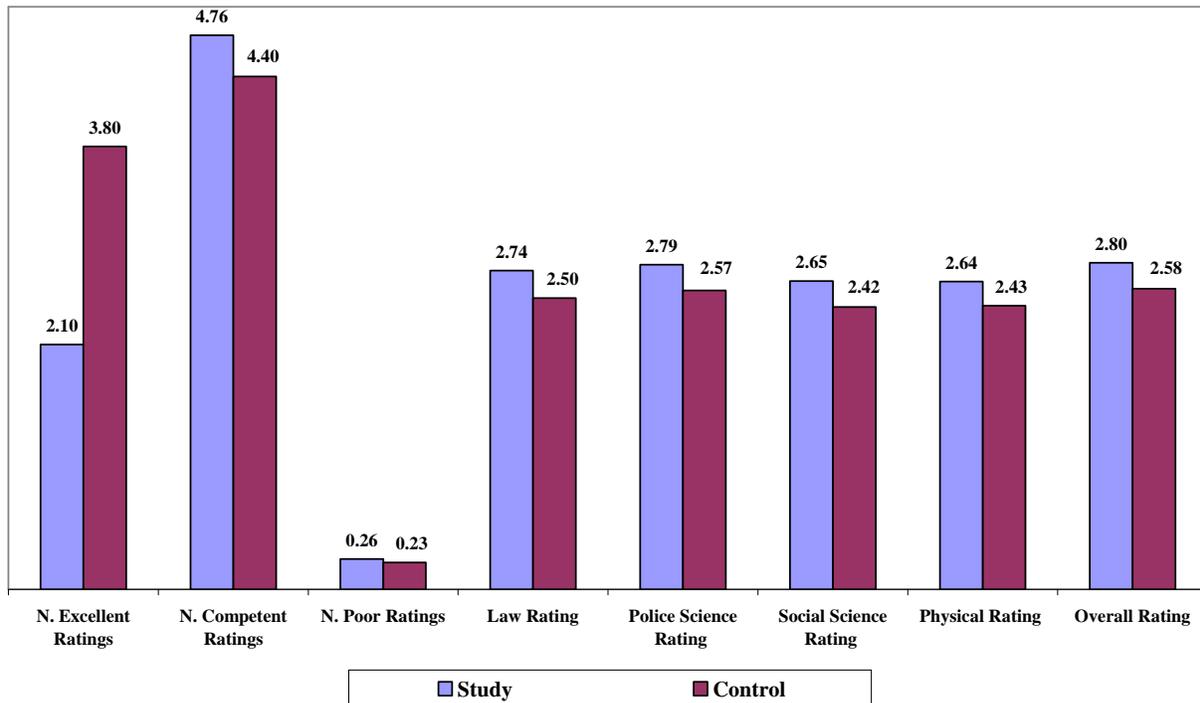


officers reported sick in the line of duty far more often than control officers (means=0.15 and 0.01). They reported sick for non-line of duty reasons more than twice as often as control officers (means=0.98 and 0.43). Study officers were counted half again as often as control officers among those who reported to work late (means=0.43 and 0.29), received demerits (means=2.58 and 1.52), or were subjects of command discipline (means=0.38 and 0.26). Finally, study officers were brought up on department charges more than four times as often as control officers (0.09 v. 0.02).

In Figure VIII-58, we see that this trend is interrupted where the subjective evaluations of recruits officers prepared by Police Academy staff are concerned. The figure's first three sets of columns show instructors' ratings of recruits on specific and clearly defined performance dimensions. They show that control officers received excellent ratings (either Aextremely competent@ or Ahighly competent@) nearly twice as often as study officers (means = 3.80 and 2.10), and that study officers were slightly more likely than control officers to receive poor (Aextremely low@ or Alow@) ratings (0.26 v. 0.23).

On the basis of such objective measures of their performance as academic and physical school grades, lateness, sick reports, and discipline B where they consistently did more poorly than control officers B one might expect that study officers would also be given low ratings by their recruit instructors. *This is not the case:* instead, study officers were given *higher* subjective ratings than control officers by their instructors in all three academic disciplines (Law, Police Science, Social Science) and the Physical School, as well by their official (home room) instructors. There clearly is a disconnect here between the objective and subjective ratings. It suggests strongly that the subjective evaluations of instructors B which should be based, insofar as possible, on objective performance measures B have little or no validity.

**Figure VIII-58: Study and Control Officers' Mean Scores on Police Academy Instructional Staff Ratings (Excludes Separated Probationers)**



## Police Job Performance and Involuntary Separation

We hypothesized that:

**H36:** *Rates of involuntary separation for all types of misconduct are positively associated with the following variables (all standardized by rates per year of service):*

**H36a:** *prior citizens' complaints;*

**H36b:** *prior supervisory disciplinary actions;*

**H36c:** *prior ~~Abelow~~ standards@ evaluations on performance evaluations;*

**H36d:** *prior line of duty civil suits;*

**H36e:** *prior line of duty injuries;*

**H36f:** *prior line of duty vehicle accidents;*

**H36g:** *prior designations as chronically sick.*

**H37:** *Rates of involuntary separation for brutality and other abuses are positively associated with rates of departmental commendations.*

We encountered problems testing these hypotheses as they were stated. We found that data on evaluations were spotty and inconsistent, due largely to varying evaluation forms used at different times by the three agencies (NYPD and the former Transit and Housing Authority police agencies) that were merged to form the current NYPD. This made analysis of **H37c** impracticable. Further, at the time we formulated our hypotheses, we were led to believe that the NYPD's automated systems were better developed than they were. Thus, when we began our data collection effort, we found that we were unable to collect data on line of duty injuries,

line of duty vehicle accidents, and chronic sick designations.<sup>118</sup> We also were unable to retrieve data on civil suits against officers. This left us unable to test **H36d-H36h** or **H37**.

Prior Complaints. Finally, we also found it impossible to retrieve data that distinguished citizens= complaints from those filed by ranking officers in the department. Consequently, we combined **H36a** and **H36b** into a single hypothesis, worded as follows:

**H36a:** *Rates of involuntary separation for all types of misconduct are positively associated with records of prior complaints when standardized by rate per year of service.*

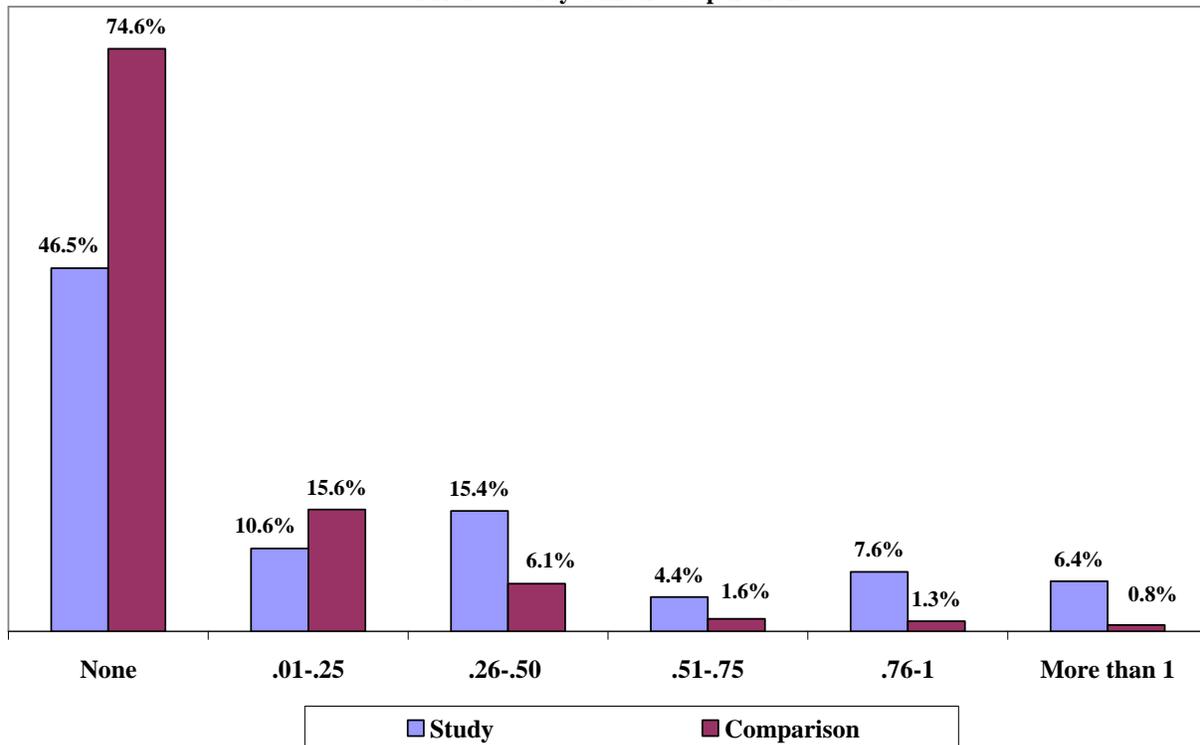
The data confirm this hypothesis. We found that, for most officers, complaints were a rarity, but that the study officers accumulated them more quickly than did the control officers. The study officers had as many as 19 prior complaints, but for purposes of presentation, we collapsed the data into six annual rate categories.<sup>119</sup> Figure VIII-59 shows that fewer than half of the study officers (46.5%) had not accumulated any complaints by the times of their separations. We collected data on complaints received by control officers through the dates at which their matched study officers left the department, and found that three-quarters (74.6%) had received no complaints. As we move to the right of the figure, the disparity

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<sup>118</sup> Much of this difficulty also was attributable to the difficulty of reconciling the records of the NYPD and the former Transit and Housing Authority police agencies following their 1994 merger. The senior author=s more recent experiences indicate that these data are now retrievable, but such data collection is beyond the scope of this study.

<sup>119</sup> We attempted to exclude from this analysis any complaints that were the direct causes of study officers=s separations from the NYPD, and are comfortable that few, if any, slipped through our net..

**Figure VIII-59: Annual Rates of Complaints against Study and Control Officers Prior to Study Officers' Separation**



between study officers and control officers grows, resulting in annual means (not shown in figure) of 0.28 complaints for study officers and 0.08 complaints for control officers. Clearly, there were precursors to the conduct that finally ended our study officers' careers.

## **IX. MULTIVARIATE ANALYSIS**

To this point, this report has analyzed a series of bivariate relationships in a broad examination of police misconduct in New York City. These relationships with significance tests and odds ratios are summarized in Table IX-1.

Although the study/control design lends itself well to bivariate comparisons, it is nevertheless useful to submit the misconduct data to multivariate analyses in order estimate the extent to which some of the bivariate relationships may have been confounded by exogenous factors. An additional justification for conducting a multivariate examination of the misconduct data is to move beyond single item indicators that may not fully capture the extent to which complex social processes may have influenced variations in misconduct patterns.

For example, the data in Table IX-1 show that pre-employment arrests for violent, property, and public order crimes are all significantly associated with police misconduct. What is not readily known, however, is whether the criminal history indicators might converge to suggest discrete dimensions of prior criminal involvement that may differentially predict police misconduct. Uncorrelated composite indices derived from data reduction techniques may predict patterns of police misconduct in ways that differ from the single item indicators. Thus, given the depth and range of the data under analysis, the present section investigates complex and potentially subtle relationships that the simple bivariate analyses may have been unable to identify.

Table IX-1. Comparisons Between Study and Comparison Officers Along Predictor Variables of Interest

Variables	Research Group			Odds
	Study	Comp.		
<b>Pre-Employment Personal History</b>				
Female	15.1	13.4	n/s	1.13
White	56.8	78.9	.001	0.72
Black	30.5	10.6	.001	2.88
Hispanic	11.9	9.6	.048	1.24
Other	0.5	0.5	n/s	1.00
Born in New York City	75.8	80.3	.034	0.94
Born Elsewhere in New York State	5.7	9.0	.001	0.63
Born in other US State	11.3	5.3	.001	2.13
Born in Puerto Rico	1.9	2.3	n/s	0.83
Born outside US	3.2	2.5	n/s	1.28
Less than 22 Years Old at Appointment	27.7	24.4	.040	1.14
Never Married	64.0	66.7	n/s	0.96
Divorced/Separated	4.3	2.1	.001	2.05
Children at Appointment	26.2	20.3	.001	1.29
Reside Outside City	14.8	29.2	.001	0.51
Arrested	23.3	13.9	.001	1.68
Violent Crime Arrests	3.1	1.5	.003	2.07
Property Crime Arrests	7.6	3.6	.001	2.11
Public Order Crime Arrests	14.6	5.0	.001	2.92
JD/YO Findings	9.7	4.2	.001	2.31
Misdemeanor Convictions	4.7	1.9	.001	2.47
Moving Violations	60.8	55.2	.002	1.10
Parking Violations	28.9	30.8	n/s	0.94
Criminal/TAB Summonses	14.4	8.8	.001	1.64
Own a Motor Vehicle	46.2	53.9	.001	0.86
Driver License Suspended	17.9	11.8	.001	1.52
GED or Less Than High School Grad	17.2	12.5	.001	1.38
Associate Degree or Higher	6.4	14.7	.001	0.44
Actively In School at Appointment	7.2	9.3	.050	0.77
Unemployed for 30 Days or More	63.4	58.3	.006	1.09
Professional or Technical Occupation	5.7	8.3	.017	0.69
Fired from Job	15.3	7.7	.001	1.99
Negative Comments by Prior Employer	10.0	4.7	.001	2.13
Disciplined by Prior Employer	15.3	8.3	.001	1.84
Workers' Compensation Claims	5.5	5.2	n/s	1.06
Previous Civil Service Rejections	15.3	9.3	.001	1.65
Previously Test for NYPD	7.9	7.9	n/s	1.00
Prior Police Experience	3.6	4.4	n/s	0.82

Previously a Transit Police Officer Pre-merge	0.9	2.5	.002	0.36
Previously a Housing Police Officer Pre-merge	0.3	0.6	n/s	0.50
Merged from Transit Police in Unification	1.0	1.0	n/s	1.00
Merged from Housing Police in Unification	0.9	0.9	n/s	1.00
Previously an NYPD Civilian Employee	2.8	1.7	n/s	1.65
Previously an NYPD Cadet or Trainee	5.3	4.2	n/s	1.26
Owed More than \$10,000 at Appointment	3.3	4.1	n/s	0.80
Held Home Mortgage at Appointment	1.9	2.6	n/s	0.73
Held Vehicle Loan at Appointment	12.7	13.4	n/s	0.95
Held Student Loan at Appointment	12.0	12.4	n/s	0.97
Held Credit Card Debt at Appointment	7.3	7.9	n/s	0.92
Held Personal Loan at Appointment	15.1	13.4	n/s	1.13
Outstanding Judgments at Appointment	1.7	0.7	.01	2.43
Father an NYPD Officer	8.0	13.0	.001	0.62
Members of Immediate Family Been Arrested	25.8	20.3	.001	1.27
NYPD Background Investigator Recommend Not Hiring	15.4	7.0	.001	2.20
Any NYPD Staff Recommend Not Hiring	16.3	6.8	.001	2.40
Reside in City When Last Known	71.2	53.3	.001	1.34
Married When Last Known	42.0	65.5	.001	0.64
Single When Last Known	48.7	26.9	.001	1.81
Children at Separation	31.0	23.7	.001	1.31
Below Standards Performance Dimension Ratings	21.7	12.4	.001	1.75
Below Standards Overall Performance Ratings	13.1	3.1	.001	4.23
<b>Military History</b>				
Military Service				
Among Veterans Only:	40.8	32.5	.001	1.26
Army Veteran	43.6	44.7	.001	0.98
Navy Veteran	13.7	20.9	.001	0.66
Marine Veteran	23.5	15.2	.001	1.55
Air Force Veteran	11.9	16.7	.003	0.71
Private/PFC/Corporal or Seaman at Discharge	69.6	52.3	.001	1.33
Sergeant/Petty Officer at Discharge	29.5	40.5	.001	0.73
Officer at Discharge	0.9	7.1	.001	0.13
Court Martialed/Disciplined	21.4	14.4	.001	1.49
<b>Police Academy Performance</b>				
Extremely/Highly Competent Overall Ratings	19.7	38.0	.001	0.52
Academic Average	80.4	84.1	.001	0.96
Extremely/Highly Competent Law Ratings	27.9	44.2	.001	0.63
Extremely/Highly Competent Police Science Ratings	22.0	38.0	.001	0.58
Extremely/Highly Competent Social Science Ratings	32.1	48.9	.001	0.66
Physical Education Average	86.6	89.9	.001	0.96
Extremely/Highly Competent Physical Education				

Ratings	42.3	56.1	.001	0.75
<i>Number of Extremely/Highly Competent Ratings</i>	2.07	3.22	.001	0.64
<i>Number of Low/Extremely Low Ratings</i>	0.50	0.20	.001	2.50
Recruit Demerits	71.7	64.4	.001	1.11
Command Disciplines	26.6	11.7	.001	2.27
Formal Department Charges	5.7	0.6	.001	9.50
Non-Line of Duty Sick Leaves	36.3	22.4	.001	1.62
Line of Duty Sick Leaves	3.6	1.6	.001	2.25
Latenesses	26.1	18.9	.001	1.38
			.001	
<b>Departmental History</b>				
Prior Complaints	59.8	47.9	.001	1.25
Assigned to Patrol at Separation	59.3	51.1	.001	1.16
Assigned to Investigative Unit at Separation	5.2	11.7	.001	0.44
Assigned to Administrative Staff Job at Separation	7.1	13.1	.001	0.54
Sergeant or Higher at Separation	3.2	8.2	.001	0.39

## ANALYTICAL PROCEDURES

### Independent Variables and Principal Component Analysis

In an effort to protect against excessive multicollinearity and to identify discrete dimensions of officers' personal histories, the independent variables under consideration were submitted to a series of data reduction analyses using the principal component extraction method. Three sets of logically related variables were entered into three separate analyses in order to identify relatively uncorrelated dimensions of officers' criminal histories, social conditions at appointment, and employment histories. The following sections report the findings of these analyses.

Criminal History. The first principal component analysis (PCA) entered all criminal justice contact variables into a model that ultimately extracted three components. The variables included numbers of violent and property crime arrests, juvenile delinquency findings, misdemeanor arrests and convictions, public order arrests, moving and parking violations, and driver's license suspensions. Table IX-2 shows the results of this analysis.

Table IX-2. Principal Component Analysis of Criminal History Variables

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Variables <sup>1</sup>	Components		
	1	2	3
	EV=2.81	EV=2.00	EV=1.82
	% Var.=20.1	% Var.=14.3	% Var.=13.0
Violent Crime Arrests	.684	--	--
Property Crime Arrests	.703	--	--
Juvenile Delinquency Findings	.514	--	--
Misdemeanor Convictions	.496	.398	--
Public Order Arrests	--	.948	--
Moving Violations	--	--	.732
Parking Summonses	--	--	.627
Driver's License Suspensions	--	--	.545

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1. All variables indicate the number of occurrences prior to officer's appointment to the NYPD

As the data in Table IX-2 show, the PCA extracted three components. These explained 47.4 percent of the cumulative model variance. The first may be considered a traditional criminal history dimension on which violent, property, and misdemeanor crimes loaded, as well as juvenile delinquency findings. Officers scoring high on this index would have engaged in criminal or delinquent activity that began during their teenage years. The second component may be regarded as a public order dimension of criminal activity on which only arrests for public order and misdemeanor convictions loaded. The final dimension is associated with vehicle code violations on which numbers of traffic and parking summons, as well as driver's license suspensions loaded.

All components were saved as variables to be entered as covariates into the logistic regression analyses.

Work History. The next principal component analysis examined groupings of officers' work history indicators and included the following variables: numbers of jobs, workman compensation claims, 30 day (or longer) periods of unemployment, jobs from which fired, work-related disciplinary actions, and derogatory comments by prior employers. Table IX-3 shows the results of this analysis.

As the data in Table IX-3 show, the current PCA extracted two dimensions of officer work history, explaining 49.1 percent cumulative variance. The first may be regarded as a pre-employment disciplinary problems component on which numbers of jobs from which officer was fired, job-related disciplinary actions, and derogatory

Table IX-3. Principal Component Analysis of Work History Variables

Variables <sup>1</sup>	Components	
	1 EV=1.91 % Var.=31.9	2 EV=1.04 % Var.=17.2
Jobs from which officer was fired	.765	--
Number of job-related disciplinary actions	.748	--
Derogatory comments by prior employers	.718	--
Workman compensation claims	--	.525
Number of jobs held	--	.640
30 day (or longer) periods of unemployment	--	.685

1. All variables indicate the number of occurrences prior to officer's appointment to the NYPD

comments by prior employers loaded. The second may be regarded as an employment reliability construct on which numbers of workman compensation claims, jobs held, and 30 (or longer) periods of unemployment loaded. The two components were saved as variables to be entered into the logistic regression analyses that follow.

Social Condition. The final PCA examined the groupings of variables describing officers' social circumstances at the time of their appointment<sup>120</sup> and included marital status (coded as a series of binary variables), number of kids, and whether officer was actively enrolled in school at time of appointment. Table IX-4 shows the results of this analysis.

Table IX-4. Principal Component Analysis of Social Condition Variables

Variables <sup>1</sup>	Components	
	1 EV=2.47 % Var.=27.5	2 EV=1.09 % Var.=12.1
Married	.916	--
Number of children	.704	--
Single (never been married)	-.891	--
Actively enrolled in school	--	.546
Divorced	--	.706
Separated	--	.543
Living with partner	--	--

1. All variables indicate the number of occurrences prior to officer's appointment to the NYPD

<sup>120</sup> This analysis was conducted in part because the initial logistic regression models found no associations between marital status variables and misconduct. In an effort to more fully capture officers' social conditions at the time of their appointment, marital status was combined with other social indicators in an attempt to identify the more complex construct of social condition

The results in Table IX-4 show that the PCA extracted two dimensions of officer social condition at time of appointment, explaining 39.6 percent cumulative variance. The first may be considered a conventional family construct on which married and number of children loaded. The second is more open to interpretation, but suggests a post marriage living situation associated with school enrollment. This second component, which explains just over 12 percent of the model variance, may represent “second start” indicator for many officers in the sample. As with in the previous analyses, the dimensions extracted by the current estimation were saved as variables to be entered as covariates into the logistic regression models that follow.

#### *Logistic Regression Analysis*

In an attempt to distinguish study officers from comparison officers along the specified set of predictor variables, the present study employed logistic regression modeling, which is useful estimating the independent effects of a set of predictor variables on a binary outcome, while controlling for the influences of other covariates. The analysis used all 3,085 cases and set the dependent variable to predict the study group (i.e. comparison officer=0; study officer=1). All categorical variables were entered into the model using indicator contrasting, which designates a reference category against which the remaining categories are compared. For example, the variable MILITARY included the categories, army, navy, air force, marine corps, other, and no military. The reference category was no military, so that the potential impact of military service on

misconduct will be contrasted against no military service. The indicator categories for all nominally measured variables are noted in Table IX-5.

## FINDINGS

At step 0 the model produced a -2 Log likelihood function of 2,128.61 and classified 51.6 percent of all cases correctly based on the intercept alone. At step 1 (during which all independent variables were simultaneously entered), the model produced a final -2 Log likelihood function of 1,604.77 ( $p < .001$ ) and correctly classified 86.5 percent of all cases correctly. The final correct classification percentage coupled with the Cox & Snell  $R^2$  and Nagelkerke  $R^2$  (.55 & .73, respectively) suggest a highly internally reliable model with exceptional predictive utility. Table IX-5 shows the results of the logistic regression analysis.

As the data in Table IX-5 show, the logistic regression model identified both risk and protective factors for career ending police misconduct. While controlling for all other covariates, the strongest risk factors for misconduct were black officer ( $B=1.19$ ), an average of one or more complaints per year of service ( $B=1.11$ ), and working in inspector precincts at time of incident leading to separation ( $B=.91$ ). Specifically, black officers were 3.27 times more likely than white officers to be dismissed for job-related misconduct; officers receiving an average of one or more complaints per year were 3.03 times more likely to be dismissed for misconduct compared to officers who received between zero and one complaint per year; and officers assigned to inspector precincts were 2.48 times more likely than officers assigned to staff units to be dismissed for occupational misconduct.

Table IX-5. Logistic Regression Estimates and Odds Ratios Predicting Police Misconduct

Variable	B	S.E.	Sig.	Odds
Dad NYPD Officer	-.004	.001	.007	.996
Military Service <sup>1</sup>				
Army	-.208	.175	.414	--
Navy	-.235	.267	.786	--
Air Force	.270	.262	.654	--
Marine Corps	.087	.306	.432	--
Command Risk <sup>2</sup>				
Inspector Precinct	.909	.296	.002	2.48
DI Precinct	.813	.242	.001	2.26
Captain Precinct	.705	.225	.002	2.02
Police Academy/Field Training Unit	.605	.288	.036	1.83
Proactive Investigation (Narc/SCU)	-.151	.476	.752	--
Detective Bur/Warrant Squads	.290	.316	.358	--
OCCB Field Units	.830	.456	.069	--
Special Patrol Units	.106	.299	.724	--
Supervisory Rank	-.639	.272	.019	.528
Age at Appointment	-.055	.002	.016	.946
Average Number Complaints per Year	1.11	.250	.001	3.03
Education Level at Appointment <sup>3</sup>				
College Study (No Degree)	-.312	.143	.029	.732
Associate's Degree	-1.241	.318	.001	.289
Bachelor's Degree or Higher	-.799	.313	.011	.450
Other Post Secondary	-.218	.558	.696	--
Officer Sex	-.324	.203	.111	--
Racial Composition <sup>4</sup>				
Black Officer	1.185	.188	.001	3.27
Latino Officer	.692	.228	.002	2.00
Other Minority Group Officer	1.001	.755	.185	--
Prior Police Service	-.241	.319	.355	--
Background Investigator Recommendation	.259	.230	.259	--
Mayor at Officer's Separation <sup>5</sup>				
Abraham Beame (1975-77)	.032	.220	.884	--
Edward Koch (1978-89)	-.485	.288	.092	--
David Dinkins (1990-93)	-.509	.281	.070	--
Criminal History				
Traditional (Violence, Misdemeanors, JD)	.199	.071	.005	1.22
Public Order Offenses	.577	.083	.001	1.78
Vehicle Code Violations	.027	.065	.680	--
Years on the Job	-2.952	.261	.001	.052
Social Condition at Appointment				
Conventional Family (Married w/Children)	.085	.198	.223	--
Second Start (divorced/separated, in school)	.140	.798	.068	--
Employment History				
Disciplinary Problems	.318	.075	.001	1.37
Reliability Problems	.149	.069	.031	1.16

Footnotes indicate reference categories for nominal level variables: 1=No military service; 2=Staff unit; 3=High school diploma or less; 4=White officer; 5=Rudolph Giuliani

Other significant risk factors for police misconduct included Latino (B=.69), being assigned to DI precincts (B=.81), captain precincts (B=.71 or police academy/field training units (B=.61), having criminal histories (B=.20), public order offense histories (B=.58), prior employment disciplinary problems (B=.32), and prior employee reliability problems (B=.15). In sum, over the course of the period we studied, minority-group officers had higher probabilities than white officers of incurring an organizational response to known misconduct<sup>121</sup>; officers assigned to posts that placed them in regular contact with the public under relatively unsupervised conditions (i.e., precincts), or to posts at times in their careers when they did not enjoy civil service protection (i.e., police academy/training units) were at greater risk of being dismissed for misconduct; officers who were officially recognized disciplinary problems during both their pre-police and NYPD occupational tenures were at greater risk than others of being dismissed for police misconduct; and officers who had an officially sanctioned history of deviance had higher odds than others of being dismissed for misconduct. These multivariate findings largely support the bivariate results presented in Table IX-1.

As noted, the logistic regression model also found several factors that appeared to protect officers against police misconduct. The strongest of these were increased years on the job (B= -2.95), having an Associate's (B= -1.24) or a Bachelor's (B= -.80) degree at time of appointment, and increased age at appointment (B= -.06). In addition, officers whose fathers had served as NYPD officers (B= -.004) were significantly less likely (albeit, not substantially) than other officers to be dismissed for misconduct, and officers who achieved a supervisory rank (B= -.64)

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<sup>121</sup>As noted earlier, however, disparities involving Hispanic and Asian officers virtually disappeared in the later years studied.

were less likely than line officers to be dismissed for misconduct. These findings suggest that overall, academically well prepared officers, those who were ambitious, and those with parental links to the NYPD were less likely than other officers to either engage in, or be sanctioned for, occupational misconduct.

In addition to identifying risk and protective factors for career ending police malpractice, the logistic regression model also identified factors statistically unassociated with occupational deviance. Among these was military service. Recall that the bivariate findings presented in Table IX-1-5 showed that military service was significantly related to police misconduct. The present multivariate findings do not support this earlier result, suggesting that the bivariate relationship may have been confounded by other factors that were not controlled. It is possible, for example, that while considering the effects of age at appointment, level of education, and employment history, military service may be an unimportant independent factor in the prediction of police misconduct. In addition, officer sex, prior police service, and background investigator recommendation were non-significant in the prediction of misconduct. It should be noted that although the mayor at time of officer's separation was included in the model as a control for the effects of social and political climates in New York City, it was a non-significant predictor of police misconduct.

Finally, a very interesting – and difficult to interpret – non-significant finding was that Proactive Investigation (listed under assignment risk in Table IX-5) was not associated with career-ending misconduct. Many police scholars, dating back to August Vollmer, have argued that assignments in narcotics (historically) and street crimes units (more recently) are problematic due to the aggressive nature of such assignments, the deployment strategies of departments that utilize these assignments (especially street crimes units), and the degree to

which officers (particularly in narcotics) must form close professional relationships with informants, drug dealers and users under circumstances where supervision and accountability potential are very low. To some extent, this finding may highlight a primary limitation of the study, that it measured police deviance in terms of occupational misconduct that earned official recognition by the department. It may be that officers in the proactive investigative assignments engage in misconduct at significant levels (relative to officers in other assignments), but their misconduct goes unnoticed due to the nature of the suspects they typically encounter: It may be unlikely that alleged drug dealers will complain about an officer who steals cash/drugs in exchange for non-arrest. Under such circumstances, although the officer has committed a serious (and criminal) act of occupational deviance, because the event never gained official recognition, the present study would have overlooked it.

Alternatively, it may be that some of the alleged misconduct of officers in narcotics and street crimes is being reported, but because the sources of the complaints may lack credibility (e.g., suspected/known drug dealers, etc.), the department may not sustain such complaints at a rate that is sufficient to significantly influence patterns of career-ending misconduct. Indeed, as Walker (2000) has noted, American police departments have been “fighting” the wars on crime and drugs primarily in socially/politically dislocated communities of the inner-city. The potential combination of departmentally encouraged aggressiveness among officers serving in elite enforcement units (e.g., narcotics and street crimes) with a target group that would find it very difficult to engage in collective action to protect against, or respond to, police misconduct, may explain the non-significant results associated with proactive investigation assignments.

A final alternate interpretation is that the officers assigned to the aggressive, but elite, narcotics and street crimes units have represented the best collection of officers serving in the

NYPD over the study period. It may be that due to the extra layer of screening, the fact that narc/scu candidates often must first establish track records of excellence in other assignments, and the competition to gain entrance to such coveted assignments creates a sampling bias that favors the best qualified officers. In fact, the present study can rule out none of these possible explanations.

### Summary

The logistic regression findings suggest that police officers' prior deviant behavior was a consistent and robust predictor of police misconduct whether measured in terms of single item indicators (as in the bivariate analyses) or as composite indices. Officers with criminal histories – indicated by arrests for violent, property, or disorder crimes – prior employment disciplinary and reliability problems, or high average rates of annual complaints while employed by the NYPD were at higher risk than other officers for engaging in career ending police misconduct. In contrast, officers who appeared committed to the NYPD organization – as evidenced by promotion to supervisory ranks and increased years on the job – were significantly less likely than other officers to engage in career ending occupational deviance. Finally, officers with some post-secondary education were less likely than those with only high school diplomas to be involuntarily separated for misconduct. Overall, these results are consistent with the stated expectations of the research hypotheses. A more difficult finding to interpret is the result related to racial composition and police misconduct.

As noted, non-white officers – specifically black and Latino officers – were significantly more likely than white officers to be involuntarily separated for misconduct. This result, which links minority group representation to occupational deviance is similar to findings linking racial

composition to criminal deviance in the general population. In both contexts, however, race is likely a proxy for some unmeasured factors, such as an urban experience, and/or a vigorous official response to known deviance. Fyfe et al.'s (1998) study of the NYPD's official disciplinary review process may inform the present findings. In that study, Fyfe, et al., found that although minority group officers were more likely than white officers to be dismissed as the result of disciplinary findings, they were also more likely than white officers to force a departmental trial in the adjudication of their disciplinary cases. Officers who forced departmental trials – regardless of racial background – were significantly more likely than officers who plead guilty (charges and specifications being equal) of being dismissed upon a guilty case disposition. Thus, the finding that black and Hispanic officers were more likely to “engage” in career ending misconduct in the present study may be more an artifact of the way they often proceed through the disciplinary review process than of actual differences in offending patterns. Future research should explore this finding in greater detail. Since the disparities involving Hispanic and Asian officers seem to have been limited entirely to the early years of this study, any such research in New York probably should focus on the experience of African-American officers.

## X. DISCUSSION

In large measure, the findings of this study offer empirical validation of conventional wisdom concerning the police: the best way to assure that officers's careers do not end in disgrace is to hire *good people* with clean histories and good educations. Once hired, the agency must supervise them carefully, taking note of and acting to see that their lesser scrapes with the agency's internal disciplinary system do not escalate into career-ending misconduct.

We confirmed most of the hypotheses we tested, and our bivariate findings generally were supported by multivariate analysis. The logistic regression findings suggest that police officers' prior deviant behavior was a consistent and robust predictor of police misconduct whether measured in terms of single item indicators (as in the bivariate analyses) or as composite indices. Officers with criminal histories – indicated by arrests for violent, property, or public order crimes – prior employment disciplinary and reliability problems, or high average rates of annual complaints while employed by the NYPD were at higher risk than other officers for engaging in career ending police misconduct. By contrast, officers who appeared committed to the NYPD organization – as evidenced by promotion to supervisory ranks and increased years on the job – were significantly less likely than other officers to engage in career ending deviance. Finally, officers with some post-secondary education were less likely than those with only high school diplomas to be involuntarily separated for misconduct. Overall, these results are consistent with the stated expectations of the research hypotheses.

Some of our most intriguing findings involve race and police misconduct. Early on in the period for which we were able to locate base data, non-white officers were significantly more likely than white officers to be involuntarily separated for misconduct. Over the years studied, this disparity appears to have faded where Hispanic and Asian officers are concerned so that the

rates at which Hispanic and Asian officers were involuntarily separated became virtually indistinguishable from the separation rate for white officers. Over the same period, the black officers' rate decreased, but has remained much higher than those for other groups. Taken together, these trends mean that the department has involuntarily separated fewer officers of all race and gender groups as it has become more diverse. We are heartened by this finding, which is strong evidence in support of efforts to make police agencies closely representative of the populations they serve.

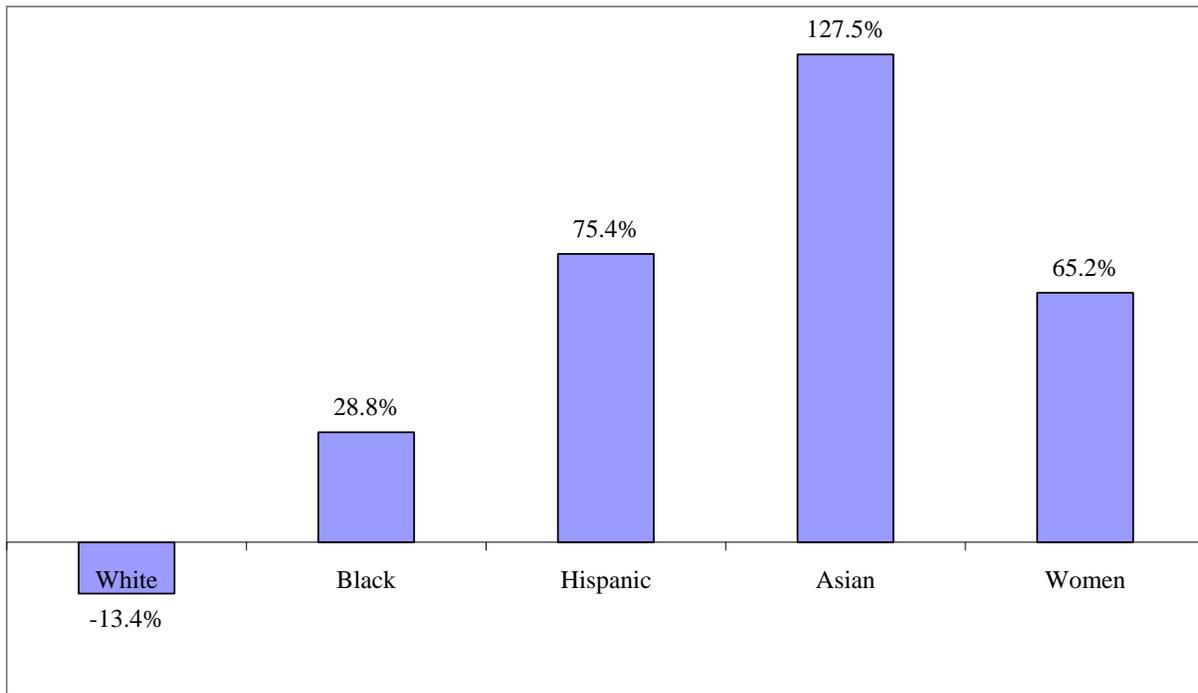
There are many possible, and not mutually exclusive, possible explanations for this finding. Susan E. Martin (1980) studied the entry of women into the Washington DC Metropolitan Police Department, and observed that they proceeded through a stage that Everett C. Hughes (1944) described as "tokenism." During this stage, members new and growing groups are closely monitored by peers and supervisors in dominant groups, and are treated with suspicion and a high degree of skepticism about their ability to perform. During this period, each token is treated as a representative of his or her group, and minor acts of misconduct may be seen as symptoms of more serious problems. Under such close scrutiny, accounts of misconduct or substandard performance by individual tokens become the widely disseminated stuff of organizational lore, and is attributed to the entire class represented by the token. As token groups grow, however, dominants become more accustomed to, and less suspicious of their presence and performance of tokens. With additional growth, the new group loses its token status, gains organizational power and prestige, and begins to exert real influence on both the formal and

informal cultures of the organization. At the same time, the solidarity of the dominant group breaks down, as the new groups assimilate into it.

Our data suggest that these processes have been at work in the NYPD. Hispanic and Asian officers, as well as women, have grown significantly in NYPD ranks over the last generation and have advanced rapidly through the ranks into positions of great influence. As Figure X-1 illustrates, the representation of Hispanics as a percentage of the NYPD grew by 75.4 percent between 1986 and 1996. Similarly, Asians increased by 127.5 percent and women increased by 65.2 percent. Blacks increased by only 28.8 percent (almost entirely as a result of the merger of the more heavily black Housing and Transit Police Departments into the NYPD), while whites decreased by 13.4 percent. In addition, in data not shown in the figure, the number of Hispanic supervisory and command personnel increased by 68.5 percent (from 257 to 433) between 1990 (the first year for which such data are available) and 1996, while Asian supervisors and commanders increased by 293.8 percent (16 to 63). Women supervisors and commanders increased by 111.4 percent black (from 229 to 484). Black supervisors increased by only 18.9 percent (from 333 to 396).

By these measures, therefore, Hispanics, Asians, and women officers appear to have become well-integrated into the NYPD. Their increased representation in the ranks has changed their status from that of tokens. Their movement up the ranks has increased their influence over the department's culture and processes while also reducing their exposure to the risks of discipline faced by those at the department's lowest level. All of this has left black officers as the department's outgroup, with separation rates unlike those of any other. This is a persistent problem, with many parallels elsewhere in American society, and in research that links race and

**Figure X-1: Changes in Representation in NYPD by Race and Gender, 1986-96**



criminal deviance in the general population. Although we certainly cannot exclude the possibility of a race effect in individual cases, it appears unlikely that this disparity is the result of any quantifiable discrimination in the disposition of cases. As we noted earlier, more than three in four of the separated black officers (359 of 466) in this study lost their jobs on charges that included apparent criminal and/or drug-related misconduct. In these cases, administrators have little or no opportunity for either discrimination or legitimate discretion. In addition, some proportion of the remaining 107 separated black officers were removed from the service on administrative charges that were brought and/or negotiated in cases involving criminal and drug-related behavior.

The high degree of due process and openness of the system also weigh against discrimination within it. Similarly, the convergence of the separation rates of Hispanics and Asians with that of whites argues against any form of discrimination that distinguished whites from all others. Instead, our data indicate that the distinction here is between black officers and all others, suggesting that any discrimination that could be shown to exist would have to be very specific to blacks, exempting other historically victimized groups. Nothing in our experience with the NYPD generally or in our work on this study suggests the existence of such a pattern.

Still, in this context as in others, race may be a proxy for some unmeasured factors, such as an urban experience, and/or vigorous resistance to being charged. Fyfe, et al.'s (1998) study of the NYPD's official disciplinary review process may inform the present findings. In that study, Fyfe, et al., found that, although black officers were more likely than white officers to be subjects of departmental discipline, they were also more likely than white officers to force a departmental trial in the adjudication of their disciplinary cases. Officers who forced departmental trials – regardless of racial background – were significantly more likely than

officers who pled guilty (charges and specifications being equal) of being dismissed upon a guilty case disposition. Thus, some percentage of black officers' greater likelihood of "engaging" in career ending misconduct in the present study may be an artifact of the way they often proceed through the disciplinary process. Future research should explore this finding in greater detail.

One very specific avenue for such study within the NYPD would involve analysis of the manner in which charges that can lead to separation are resolved among officers of different races. A common plea negotiation for officers facing charges that can result in separation involves what is known as *30 days and a year*. Under this arrangement, officers facing serious charges plead guilty in return for a dismissal penalty that is held in abeyance pending 30 days' unpaid suspension and satisfactory performance during a one-year probationary period. The alternative is a formal trial in which dismissal is the likely penalty on a finding of guilt. If the 1998 finding of the Fyfe, et al., study (e.g., that black officers were less likely than others to engage in plea negotiation), it may account for some part of the disparity we found among these most severe disciplinary cases. Since we studied only officers who were actually separated, excluding from analysis the *30 days and a year* cases, we were unable to do this.

But, independent of disciplinary system procedures, there is a difference here, and it is reflected in other aspects of black officers' status in the NYPD and in policing generally. Black officers are rarities in the NYPD's top ranks and command positions,<sup>123</sup> as well as in the most

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<sup>123</sup> On the other hand, some of the NYPD's highest ranking black officers have been attracted away from the Department to prestigious and high-paying jobs in the private sector and as chiefs in other police agencies. Further, as pointed out earlier, the NYPD has been far more successful than the New York City Fire Department at recruiting black personnel to uniform

prestigious, and least discipline-prone, uniformed assignments (e.g., Aviation; Emergency Service; Harbor; Highway Patrol; Mounted). Although this has historically been a pressing concern for the NYPD, it may be time to systematically identify and address the reasons for the different status of black officers in the NYPD, and in policing generally.

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## APPENDIX I CODER HANDBOOK WITH APPENDICES

NYPD POLICE OFFICER  
DISMISSAL STUDY  
HANDBOOK  
FOR  
DATA COLLECTION STAFF

**August 1, 1998 Edition**

James J. Fyfe  
Temple University  
Center for Public Policy  
Project Director

## INTRODUCTION

Welcome to Temple University and to this important project. We are glad to have you with us as we begin our work, and are certain that you will be as proud of it as we are of you.

During your service on the project, you will be a part-time employee of Temple University. This has four immediate consequences. First, while you work with us, you will be subject to Temple University regulations and basic academic principles, as well as to those of the NYPD. The most important of these are the requirements for confidentiality and for accuracy. As with your work in the NYPD, nothing you see or learn during the course of this project can be shared with anybody but your supervisors on the project. Certainly, unless your work is done with the highest possible degree of accuracy, we all are wasting our time. *We are much more interested in getting things done right than in getting them done quickly.*

### Temple University

Second, you should know something about Temple. Temple is a state-affiliated university in Philadelphia, Pennsylvania. It is a comprehensive research university that enrolls more than 30,000 students, and that has many graduate programs, as well as a medical school and a law school. Like the City University of New York, Temple has a tradition of providing first-rate educations to the members of its city's working class, and of conducting research and training with great relevance to urban problems. In addition to serving as leaders in government, business, and the professions, Temple alumni are very visible in entertainment and sports. Bill Cosby, David Brenner, and Bob Saget are Temple alums, as is Eddie Jones of the Los Angeles Lakers. Eddie was a star of Temple's Owls, our nationally ranked basketball team. As a condition of employment, you will, of course, be expected to root for the Owls as they work their way to another NCAA Tournament.

### The Center for Public Policy

Third, this study is being conducted by Temple's Center for Public Policy. The Center is a research unit which houses projects conducted by faculty members from across Temple's campus. The Director of this project is Dr. James J. Fyfe of Temple's Department of Criminal Justice. Fyfe is a former NYPD lieutenant, who worked in the Department during 1963-1979. Consultants to the project include Dr. Peter Jones, also of Temple University's Department of Criminal Justice; and Dr. Robert Tillman, a criminologist at St. John's University in Queens.<sup>1</sup> Two Temple University doctoral students, Robert Kane and Patrick McGrain, also are assigned to the project.

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<sup>1</sup> Dr. Carl Silver, a professor emeritus at Drexel University in Philadelphia, was a consultant to the project who passed away in July 1998.

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The Temple University staff will be in and around Police Headquarters on a regular basis. Commissioner Safir has been gracious enough to grant us office space for the project and, with the cooperation of Deputy Commissioner for Legal Matters George Grasso, we will be located in an office in the License Division suite, in Room 110A. Temple staff will generally be available in this office from 4pm to 9pm on weekdays in order to handle NYPD staff scheduling and general requests for information from staff.

In addition, the study has engaged the services of two advisory committees. The first, is a group of distinguished police practitioners and a scholar. It includes:

Walter Connery, a lawyer, former NYPD Deputy Inspector and Department Advocate, who also headed the Immigration and Naturalization Services Office of Professional responsibility, as well as its criminal investigations in New York.

Henry DeGeneste, a vice-president at Prudential-Bache, and a former Director of the Port of New York and New Jersey Authority Police Department.

Michael Julian, a vice-president of Rockefeller Center and former NYPD Chief of Personnel;

Jerome Skolnick, a professor of law at New York University, and one of the pioneering and most influential scholars of the police.

Our second advisory includes two experts in statistics and research methods. They are:

Dr. Jeffrey Fagan of Columbia University's Center for Violence Research and Prevention;

Dr. Michael Maxfield of Rutgers University's School of Criminal Justice in Newark.

As you can see, we have assembled quite a bit of talent for this project: but we count you among our most valuable employees.

### This Project

You also need to know something about this project. Its formal title is *Identifying Correlates of Police Deviance* and, in brief, it is a study of every police officer who was dismissed, terminated, or forced to resign or retire from the NYPD during 1975-1996. The goal of the project is to determine whether and how these officers differ in measurable ways from officers who have served honorably on a whole variety of personal characteristics and departmental factors. Nobody has ever before had the opportunity for to conduct such an extensive study and, as one can readily imagine, it has great relevance to screening, hiring,

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training, socializing, and assigning officers. The study is funded by the United States Department of Justice, National Institute of Justice, which shares our view that our research is likely to be a landmark in police knowledge.

By reviewing NYPD Personnel Orders, we have identified these involuntarily separated officers, and have matched all of them, one-to-one, with other officers from their Police Academy Recruit School classes. Then, in consultation with our advisors and with three focus groups of captains, sergeants, and lieutenants, we developed instruments that measure what we need to know. These forms are attached, and the rest of this manual is devoted to explaining them and the process of completing them.

### THE DATA COLLECTION INSTRUMENTS

We are examining two groups of officers. The *study* officers are those who were dismissed or forced to resign; the *comparison* officers are those to whom we are comparing the study officers. This project employs similar, but not identical, instruments for study and comparison officers. Since each study officer is matched to a specific comparison officer from the same Police Academy recruit class, these instruments will be issued to you in pairs. The Departmental forms and other information in the two files included in each pair should be similar, so that your task will be somewhat easier than it would be if we gave you these forms separately. Please keep the pairs together, so that we can track them through processing.

#### Completing Readable Forms

The instruments for this project are directly computer readable. This means that:

1. They will be fed into a scanner, which is very sensitive to folds, wrinkles, tears, and the like. Therefore, you should do everything possible to keep them in good shape. If, in your judgment, an instrument or a page is too ragged to be read by the scanner, you should copy it onto a clean instrument or form, and discard the original.
2. If you find it necessary to unstaple the instrument (which we hope you can avoid), you should be careful to keep the pages in order when you reassemble it.
3. They should be completed in **pencil**;
4. Any erasures should be complete;
5. Where it is necessary to write a number rather than merely to fill in a bubble, there must be **no contact with the printed lines at the edge of the box**;

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6. Where it is necessary to fill in a bubble rather than to write a number, you should do so completely;
7. In the event that you encounter a numerical item for which the proper answer is higher than the maximum indicated, please fill in the highest number. Thus, for example, the range for item 14 (number of workmen's compensation claims prior to appointment) is 0-9. If you find a candidate who has filed 12 such claims, fill in the "9" bubble and, in the margins alongside the item, write in the actual number.

### The Instruments' Four Parts

The instruments are divided into four sections, or "Forms:"

1. **FORM 1: Preliminary Background, Personnel Evaluations, and Dismissal Information; Personal and Family History:** The information for this part of the instrument comes primarily from the files maintained by the Personnel Records Unit ("PRU"), members of which will be responsible for most of the coding on it. For the study officers, this Form includes items 1-56. For the comparison officers, it includes items 1-58.
2. **FORM 2: Data from Police Academy:** Recent PRU files include a considerable amount of information on officers' performance in the Police Academy. Where this information is available in the files, PRU staff assigned to complete Form 1 also will complete Form 2. Where it is not available, Temple staff will attempt to retrieve directly from the Police Academy. For the study officers, this Form includes items 57-64. For the comparison officers, it includes items 59-66.
2. **FORM 3: Data from Personnel Orders Section:** Most of this information comes from the "10 Cards" that are on file in the Personnel Orders Section ("POS"), and will be obtained by members of that unit. For the study officers, this Form includes items 65-73. For the comparison officers, it includes items 67-75.
4. **FORM 4: Data from Central Personnel Index:** This information will be coded by staff from the Central Personnel Index ("CPI"). For the study officers, this Form includes items 74-78. For the comparison officers, it includes items 76-80.

### Coding Assignments

Coding of Form 1 and, where possible, Form 2, will be done during 4pm-9pm, Monday-Friday and from 8am-4m on Saturdays. A Principal Administrative Associate ("PRAA") will be

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designated at each of these times to supervise coding and to take part in it, as well. All staff assigned to this part of the project will receive a number of folders from the Associate and will return all work, completed or otherwise, to the PRAA at the end of the tour. Any questions that arise during the course of coding and that cannot be immediately resolved should be flagged on the form (see below). When it is not possible to complete Form 2 from PRU files, this Form will be left blank and, wherever possible, will be completed by Temple staff after the rest of the instrument has been completed.

Temple staff will assign staffers from the POS to complete Form 3. These forms will also be returned to Temple staff and checked for accuracy and completeness. Temple staff will assign staffers from the CPI to complete Form 4. These will also be returned to Temple staff and checked for accuracy and completeness.

The data will be scanned into the computer and checked for accuracy and completeness. When problems are detected, Temple staff will consult with the assigned coders to attempt to resolve them.

If you do encounter problems, please flag them on the instrument and bring them to the attention of Temple staff or the PPAA when you turn in your otherwise completed forms. *Do not do this on a one-problem-at-a-time basis, or we will never complete this project. Hold your questions until you complete the package of work you have been assigned, and then call them to attention. We expect that you will run into ambiguities and problems, so don't hesitate to call them to our attention.*

You can flag these by attaching post-its to the instruments at the point where problems have been encountered, and indicating in brief notes the nature of the problem. If you are completing Item 19 ("Last occupation prior to appointment"), for example, and cannot readily put a person's occupation into one of the categories we are using, flag the page with a post-it and a note, such as "Item 19: what category is a bowling alley mechanic?" To guard against lost post-its, please also note any problems on a separate sheet of paper that you hand at the top of your packet of work. For example: "Study officer 852153, item 19: what category is a bowling alley mechanic?"

### Changing Data Sources

The issue of varying data sources is a major consideration for us, because the senior officers in our data set were hired in June 1940, and the junior members were hired in 1996. During those 57 years, the data sources we are employing changed several times. There have been several different editions of the PA 15, for example, so that it was impossible for us to

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come up with an instrument that precisely tracked every PA 15 coders will be looking at. As a consequence, some of the items requested on our instruments, especially on Form 1, are likely to be missing from the files you are being asked to review. Other information is likely to be found in different places, depending on how old it is. We want you to thoroughly search the files for all reasonably available information, but you should leave us to worry about missing data. Our analyses can take missing information into account, and the last thing we need is for you to guess at it.

### The Instrument as a Work in Progress

In constructing and refining these instruments, we received quite a bit of input from experts and from NYPD staff. We hope this will be an ongoing process, and that you will not hesitate to bring to our attention any problems, criticisms, or suggestions for change in the instruments at any time during the project. You can call them to the attention of anybody from Temple staff, put them on paper, or pass them to us through a PRAA. Everything you tell us about the instrument will be taken very seriously.

### CODING FORM 1

When you receive the instrument from Temple staff and the PRAA, its front page will be completed. It will include the following information:

#### **Officer's Name**

This will be entered on the front page by Temple staff.

#### **Officer's Tax Registry Number**

This will be entered on the front page by Temple staff.

#### **Matched Comparison Officer**

This is the tax registry number of the officer with other officer in each pair. For the study officer, it will be the number for the comparison officer, and *vice-versa*.

#### **Reference Date**

This is the date upon which the study officer in each pair was dismissed, terminated, or otherwise forced to leave the department. It is a very important date, and will be used extensively in coding comparison officers' instruments. Check items 1, 2, and 52-58 on the comparison instruments and you will see that we want to know what comparison officers were doing on the dates on which their matched study officers were involuntarily separated from the NYPD.

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## **Coder Identity**

Each person working on the project will have a unique two digit code number. See Appendix C to find yours.

### **NUMBERED ITEMS: FORM 1**

Most of the numbered items need no explanation. A few items may be retrievable from the Department Personnel History Printout, which exists for officers who are in service and which may still be on line for some recently separated officers. These items (7, 36, 45, and 46) are indicated with stars. Those that have generated frequently asked questions and the answers to these questions are as follows.

1. **Officer's command.** Alphabetical and numerical lists of these codes are found in Appendix D. If you review them you will see that the precinct codes are their numbers, and that there is a logic to the remaining commands.

Study officers: Enter here the numerical code for the officer's command on the date of the incident that led to his or her separation. This may differ from his or her command at the actual date of separation, because officers are frequently transferred to modified or non-field assignments between the time they are charged with violations and the time they are separated.

Comparison officers: Enter here the numerical code for the officer's command on the *reference date* on page 1, the date of the incident that led to separation of the study group officer in this pair.

2. **Officer's rank.** Fill in the bubble for the officer's rank at the date of the study officer's separation.
3. **Officer's number on PO eligible list.** Fill in the bubbles for this information, which appears on the PA 15.
4. **Entrance exam number.** PA 15.
5. **Officer's date of birth.** Enter this in two-digit month/date/year format. January 6, 1953, for example is 01/06/53.
6. **Officer's social condition at time of appointment.** PA 15.
- 6a. **Officer resident precinct at appointment.** This is on the PA 15 and on the Personnel History Printout. Use the precinct numerical codes for this, with 014 for Midtown South

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and 018 for Midtown North. Thus, the code for the Ninth Precinct is 009, etc. The NYPD maintains a resident precinct code for all the township police departments in the out-of-city counties in which officers are allowed to live. Rather than go through all this detail, we will code out-of-city resident precincts as follows:

Nassau County	200
Westchester County	300
Rockland County	400
Suffolk County	500
Orange County	600
Putnam County	700

On the Personnel History Printouts, codes for the resident precincts in each of these counties begin with the same prefix (e.g., every code in Nassau County is a 2xx; every code in Westchester is a 3xx, and so on). Just code these as indicated above.

If you do not know what county an officer's resident precinct (or town is in), write the name of the township, borough, etc., in the margin, and flag the case for Temple staff. For study officers, code the resident precinct at the date of separation, or reference date. For comparison officers, code the last resident precinct, regardless of the date of separation, or reference date.

7. **Officer's Place of Birth.** PA15.
8. **Was officer ever arrested prior to appointment?** PA15. If the answer to this is "No," skip to Item 9. If yes, just indicate the most serious charge for each arrest. Thus, if an individual had been arrested for aggravated assault and possession of a weapon, classify his or her experience as a "violent crime arrest."
- 8a. **Violent crime arrests.** Violent crimes are crimes against people. Among the offenses classifiable here are actual or attempted:

- Murder/manslaughter
- Robbery
- Rape
- Sexual abuse and other sex crimes, including indecent exposure
- Assault
- Battery
- Menacing
- Terroristic Threats
- Kidnaping
- Unlawful imprisonment

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- 8b. Property crime arrests.** These are crimes against property. Among the offenses classifiable here are actual or attempted:

- Burglary
- Larceny (petit, grand, vehicle, etc.)
- Theft of services
- Fare beat
- Possession of stolen property
- Possession of burglar's tools
- Arson
- Criminal mischief
- Forgery
- Malicious Mischief
- Fraud
- Bribery

**IN THIS AND ALL CATEGORIES THAT REQUEST A NUMBER, USE THE HIGHEST CHOICE TO INDICATE THAT NUMBER OR HIGHER: IN OTHER WORDS, THINK OF "9" AS "9 OR MORE."**

- 8c. Public order offense arrests:** These offenses typically do not involve a specific victim, but are offenses against public order or decency. They include:

- Drug offenses
- Gambling offenses
- Prostitution related offenses
- Pornography related offenses
- Fireworks related violations
- Liquor violations
- Disorderly conduct
- Public intoxication
- Driving while intoxicated or impaired
- Obstructing governmental administration

- 8d. JD/YO findings:** Determinations by juvenile, family or criminal courts that candidates were juvenile delinquents or youthful offenders.
- 8e. Number of misdemeanor convictions:** From PA15. There should be no candidates who enter the department with felony convictions on their records.
- 9. Number of moving violations:** From PA 15.

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10. **Number of parking violations:** From PA 15. This item refers to parking tickets issued to vehicles registered to candidates. Thus, obviously, it will not include parking tickets issued to, e.g., candidates' parents' vehicles while candidates may have been using them.
11. **Number of C/Criminal/TAB summonses:** From PA 15. This item includes summonses for such minor criminal offenses as disorderly conduct; fare beating, and minor larcenies. Code these here only, and do not also count them as arrests.
12. **Did officer own a car:** From PA 15.
13. **Motor vehicle license or registration ever suspended?** From PA 15.
14. **Number of Workmen's Compensation Claims?** Calculate this from P.A. 15.
15. **Highest educational level.** From PA 15.
  - a. On some older PA 15s, you may find officers who entered the department with "less than H.S. grad (or equivalency)."
  - b. Classify lawyers as holding "Doctorate degrees."
  - c. Classify officers who were in law school when appointed as "work towards doctorate degree."
16. **Officer actively enrolled in school at appointment?** From PA 15. Was this officer an active student in a college or other educational institution at the time he or she was appointed?
17. **Number of jobs held prior to appointment.** Calculate this from the PA 15. In doing so, *do not treat as separate* jobs rehiring by the same employer for the following reasons:
  - a. Rehiring after maternity leaves.
  - b. Rehiring after military leaves.
  - c. Rehiring after layoffs.
  - d. New jobs in the same trade by people who work in labor unions or other occupations in which layoffs are frequent. Carpenters and other construction workers, for example, frequently are laid off after jobs end, and then are rehired through their unions by other employers. For our purposes, this is one job. If you

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have any questions on this, please flag it, continue, and bring it to the attention of Mr. Joyce and/or Temple staff.

- e. Layoffs of seasonal workers. Lifeguards and those who at baseball stadiums, race tracks, and ski resorts, for example, frequently are laid off during the off-season.

All of these are temporary leaves on the part of people who anticipate taking back the same jobs after their leaves expire.

- 18. **30+ days periods of unemployment.** Calculate these from PA 15. In doing so, include *only periods that involve at least two calendar months between jobs*. If, for example, a candidate indicated that he held one job until 6/85 and started a new one in 7/85, do not include the gap between his jobs as a period of 30+ days unemployment. After all, this gap may have been only a few days (e.g., from 6/25/85 until 7/5/85). If a candidate indicates that she left one job in 6/85 and took another in 8/85, include it.

- 19. **Last occupation prior to appointment or other law enforcement service.** *Here, we want to know what officers did immediately before they became police or law enforcement officers for the first time, whether in the NYPD or in other official law enforcement agencies.* These classifications also appear in Item 40, and require some judgment. If you cannot easily classify an officer's occupation on this list, please flag it and see Temple staff and/or Mr. Joyce. In the meantime, these are definitions and examples of the classifications:

Professional/technical/manager: This includes people in jobs that typically call for a college education, and/or that involve supervision or management of others. For example:

teacher	laboratory technician
accountant	nurse
engineer	bank manager
computer programmer	store manager
computer technician	factory manager

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Official/owner/sales: This includes officers of private organizations, business owners, and sales persons who sell expensive or technical items that require sales persons to have some training or expertise beyond what one typically would find among young people who work in places such as jeans shops, stationery stores, etc.,. Examples of occupations that would fall in this category include:

business president	auto sales persons
treasurer	stockbroker
comptroller	real estate agent
business owner	skilled store sales person
buyer	wholesale sales person

Clerical: This category includes people who do white collar work that typically does not require a college education. Examples include:

office clerk	administrative assistant
stock clerk	administrative associate
file clerk	administrative aide
data entry clerk	word processor
secretary	postal worker

Craftsman: This category includes persons who do skilled work that typically requires specialized training, but not necessarily a college education. Examples include:

brick layer	stone mason
carpenter	sheet metal worker
electrician	dress maker
iron worker	appliance repair person
plasterer/sheetrocker	auto mechanic
plumber	body and fender mechanic
roofer	medical or dental technician
telephone installer	jeweler
seaman	boilermaker
firefighter	musician

Operative: This category includes persons whose work is focused on operation of some mechanical device. Examples include:

cab driver	ambulance driver
chauffeur	heavy equipment operator
truck driver	machine operator
motorman	pilot
bus driver	

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Service/household: This category includes people who do unskilled or semi-skilled service, sales, and/or household work that typically does not require extensive training or college education. Examples include:

waiter/waitress/server	carpet cleaner
food handler	cleaner
fast food restaurant employee	janitor
cashier	maintenance person
shelver/stockperson	floor waxer
cook	window washer
dishwasher	stationery store sales
postal worker	chain clothing store sales
maintenance person	record store sales

Laborer: This category includes persons whose work does not require college education or extensive special training and that relies primarily on persons' physical strength. Examples include:

construction laborer  
sanitation worker  
mover

Student: This category includes people whose *primary* occupation was study in a college or other institution, even if they were working at temporary and/or part-time jobs to support themselves.

Military: Do not include reservists here. Include only people who were in full-time military service.

Private security or special police: This category does not include full-service municipal, county, state, or federal police, the Transit, Housing, or Port Authority police, or the FBI, DEA, Customs Service, Immigration and Naturalization Service, Secret Service, or Bureau of Alcohol, Tobacco, and Firearms. In addition to private security, it may include:

college and university police	State Department police
Board of Education police	Game Wardens
Social Service Department police	Correction Officers
Department of Sanitation police	Fire Marshals

Unknown: Use this category when prior occupation is not indicated.

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20. **Jobs from which fired or forced to resign:** Calculate this from PA 15. Read summaries of employer's statements to determine whether persons resigned voluntarily. Include people who make claims that they quit because their bosses told them they could do that or be fired.
21. **Number of times disciplined by former employers:** Calculate from PA 15. This should be *formal* discipline, such a demotion, cut in pay, suspension, lost pay raise, extended probation, court martial, civil service charge, or written reprimand.
22. **Civil service rejections:** Calculate from PA 15. How many times has officer previously applied for and been denied a city, county, state, or federal civil service job?
23. **Civil service applications:** Calculate from PA 15. How many times has officer previously applied for a city, county, state, or federal civil service job, whether or not he or she got it?
24. **Officer appointed to NYPD first time?** This is a yes/no item. We are interested her in how many times the officer went though the application process, rather than in whether the officer accepted the job the first time it was offered . Thus:

Answer *YES* if an officer turned down an appointment the first time he or she was eligible for it (for personal reasons, etc.) , but later accepted a job offer from the same application

Answer *NO* if an officer:

- took and failed any part of the police exam earlier;
- was rejected by NYPD on an earlier application;
- turned down an offer of appointment on an earlier list, then had to go through the whole process to be appointed.

25. **Derogatory comment by prior employer?** From PA 15. You will have to use some judgment here. We are looking for criticisms, even though they may not have resulted in formal discipline. Answer it *YES* if an employer says things like:

He was a good kid, but I was always on his back about being late (or absent, or inattentive).

I'd never hire him again.

He did this job well, but I think he's too immature to be a cop.

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I almost fired him, but I thought about it and gave him a break.

26. **Number of officer marriages.** From PA 15. We are looking for legal marriages, rather than house-sharing or common law arrangements. Include the officer's current marriage, if applicable.
27. **Number of officer kids:** From PA 15. Do not count step-children.
28. **Military service?** From PA 15.
  - 28a. **Military branch:** From PA 15. If the officer has been in more than one branch, select the one in which he or she served the longest.
  - 28b. **Number of months in service:** Calculate from PA 15.
  - 28c, d. **Beginning and end of military service:** From PA 15. Indicate the last two digits of each year. Thus, if an officer served in the military from 1956 to 1959, this item should be coded "56" and "59."
  - 28e. **Military rank at discharge:** From PA 15. See Appendix E for ranks to code ranks that are not included on the instrument.
  - 28f. **Military discharge type:** From PA 15.
  - 28g. **Courts martial/company punishments:** Calculate from PA 15.
29. **Did officer have a deferment?** In the former draft system, a 1-A classification was the standard that one was eligible for the draft. Deferments consisted of any other classification, from 2-A through 4-F.
- 30, 31. **Officer Gender and Race:** From PA-15.
32. **Officer have prior police or law enforcement experience?** From PA-15. This does not include military police, special police, or private police. It does include full-service municipal, county, state, or federal police, the Transit, Housing, or Port Authority police, or the FBI, DEA, Customs Service, Immigration and Naturalization Service, Secret Service, or Bureau of Alcohol, Tobacco, and Firearms.
- 33, 34: **Prior NYPD employment:** From PA-15.
- 35-39: All from the PA-15. Item 36 also appears on the Personnel history printout for in-service officers.

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- 40: **Father's occupation:** Use the same coding scheme for this as for item 19, above, except that it adds a category for fathers currently or previously in the NYPD.
41. **Arrests in officer's family:** Calculate from PA 15.
- 42-44. **Did investigator or other NYPD staff recommend disapproval? Was a hearing held?** You will have to read the attachments to PA 15 carefully to answer these.
45. **Last known or current resident precinct:** See the coding instructions for Item 6a. Use the numerical codes for resident precincts within NYPD, and use the following codes for residences in the adjoining counties:

Nassau County	200
Westchester County	300
Rockland County	400
Suffolk County	500
Orange County	600
Putnam County	700

**NOTE: Item 52 of the comparison officer instrument asks for the resident precinct at the date of separation, or reference date.**

46. **Last or current social condition:** On PA 15 and Personnel History Printout. For study officers, code the social condition at the date of separation, or reference date. For comparison officers, code the last known social condition, regardless of the date of separation, or reference date. The “domestic partnership” category should be used in cases in which officers have applied for NYC medical coverage for such persons.  
**NOTE: Item 53 of the comparison officer instrument asks for the social condition at the date of separation, or reference date.**
- 47, 48: **Officer Marriages and Kids:** For study officers, code the number of marriages at the date of separation, or reference date. For comparison officers, code the last known number of marriages, regardless of the date of separation, or reference date.

**NOTE: Items 54 and 55 of the comparison officer instrument ask for the number of marriages and kids at the date of separation, or reference date.**

- 49: **Number of Post-Academy performance evaluations:** You will have to go through the file and count these. For study officers, code the number of evaluations at the date of separation, or reference date. For comparison officers, code the last known number of evaluations, regardless of the date of separation, or reference date.

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**NOTE: Item 56 of the comparison officer instrument ask for the number of evaluations at the date of separation, or reference date.**

50. **Number below standards evaluations on dimensions:** You will need to calculate these from the evaluation forms, which vary over time. For our purposes, a “below standards” evaluation is anything below the midpoint on whatever scale is being used at a particular time, regardless of the wording that is used. On older evaluations, it usually has been *below standards* and *well below standards*; more recent evaluations rate *competence*, and the grades we’re looking for are *low* and *very low*. Go through each form, count up the total number of any such below standards evaluations on every category except “overall” (which is the next item) and enter the total number. Include both “performance” and “behavioral” evaluations. For study officers, code the number of below standards dimension evaluations at the date of separation, or reference date. For comparison officers, code the last known number of below standards dimension evaluations, regardless of the date of separation, or reference date.

**NOTE: Item 57 of the comparison officer instrument ask for the number of below standards dimension evaluations at the date of separation, or reference date.**

51. **Number overall below standards evaluations:** Follow the same procedure as above, except include in your calculations only the *overall* evaluations. For study officers, code the number of below standards overall evaluations at the date of separation, or reference date. For comparison officers, code the last known number of below standards overall evaluations, regardless of the date of separation, or reference date.

**NOTE: Item 58 of the comparison officer instrument ask for the number of below standards overall evaluations at the date of separation, or reference date.**

### **THE FOLLOWING ITEMS 52-56 REFER ONLY TO STUDY OFFICERS**

- 52-56. **Charges that led to dismissal:** This will require some judgment. We are looking for the reason the officer was fired, in as much specificity as possible. Appendix F contains a coded list of all the Department’s disciplinary charges. In using it, please carefully set priorities, so that you *code the central or most serious substantive violation first*. Thus, if an officer was fired because he took a bribe and then lied about it at official department proceedings, the bribe charge (code 008) would be the proper entry for Item 52, with the lying charge (code 317) properly entered as Item 53. Leave blank any items for which there were no charges.

The last section of these codes deals with probationary terminations. Use these categories whenever a probationer is terminated for reasons unique to probationers (e.g.,

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academic failure; repeated minor disciplinary problems in the Police Academy). *WHEN A PROBATIONER IS TERMINATED BECAUSE OF ONE OF THE SPECIFIC ACTS DESCRIBED IN THE CODES, USE THAT CODE.* Thus, if a Police Academy recruit fails a “for cause” drug test, the proper entry for item 52 is code 036, rather than any code unique to probationers.

**AT THIS POINT, THE NUMBERS DIFFER BETWEEN THE STUDY AND COMPARISON INSTRUMENTS.**

**FOR INSTRUCTIONS FOR COMPARISON INSTRUMENT ITEMS 52-58, SEE ITEMS 46-51 ABOVE.**

**INSTRUCTIONS FOR THE REST OF THE INSTRUMENT WILL BE INDICATED IN THE FOLLOWING FORMAT:**

**STUDY INSTRUMENT ITEM #/COMPARISON INSTRUMENT ITEM #**

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## **FORM 2: POLICE ACADEMY ITEMS**

**57/60: Overall academy evaluation:** In recent years, these and the other Police Academy items are found on the “Recruit Officer Performance Evaluation.” Where no such form exists and where there is no other indication that would allow completion of these items, leave the items blank and flag them.

**58/61: Academy performance items:** These are all found on the “Recruit Officer Performance Evaluation,” and need little explanation. The response to *item a* should be the “Final Average.”

**59-63/62-66: Other Academy indicators:** also are found on the “Recruit Officer Performance Evaluation.” Complete them in the same fashion as the Post-Academy evaluation items.

NOTE: If the entry for 66/64 is yes, and there is an indication that the officer was held over or did not graduate, please make a brief note at the bottom of the page as to what the indication is. For example:

Held over. Academic  
Held over. Injured.  
Held over. Failed physical.  
Held over. Discipline.

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### **FORM 3: PERSONNEL ORDERS DATA**

These items are coded essentially from the 10-cards maintained in the Personnel Orders Section, and/or from the Personnel History Printout. Again, the item numbers are different for study and comparison officers, and the references below are to *study/comparison item numbers*.

**64/67: How many commands?** We want to know how many commands beyond the Police Academy the study officers worked in during their entire careers. Calculate this simply by adding them up. For comparison officers, fill in the same information: *what is the last known total number of commands the comparison officers worked in?*

**NOTE: Item 75 of the comparison officer instrument ask for the number of commands at the date of separation, or reference date. The reference date is the date on which the matched study officer left the Department, and is found on the front page of the instrument.**

**65-70/68-73: Command list:** Simply copy the format of the ten card and list these, with month and year date codes for each.

**Comparison 74: Still in Department?** Simply fill in the yes or no bubble.

**71/74a: How leave Department?** Fill in the bubble after reviewing the 10-card and/or the Personnel History Printout.

**Comparison 75: Commands at Reference Date:** Refer to the reference date on the front page of the instrument and calculate the number of commands in which the officer served until and including that date.

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**FORM 4: CPI DATA**

For officers who are still in service or who have left the Department since late 1986, the data for this form come directly from the CPI computer screen. For officers who were separated from the department during 1975-early 1986, these data are retrievable from cards maintained in the CPI. The data items are self-explanatory: for the grids under item 75/77, please calculate the number of entries for each box and enter it without touching the edge of the box.

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APPENDIX A  
STUDY OFFICERS' INSTRUMENT



18551

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# PA 15 Coding Instrument

National Institute of Justice

Temple University

New York City Police Department

Dismissal Study

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## STUDY OFFICERS

Officer's Tax Registry Number

Coder Identity:

Matched Comparison Officer

Reference Date



**Preliminary Background**

**1. Officer's command at incident that led to separation**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

**2. Officer's rank at incident that led to separation**

- PPO    Sgt.
- PO    Lt.
- D3    Capt.
- D2    Above Capt.
- D1

**3. Officer's number on PO eligible list**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

**4. Entrance exam number**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

**5. Officer's date of birth**

/   /

**6. Officer's social condition at time of appointment**

- Single                       Separated
- Married                       Widowed
- Domestic Partnership    Living with Partner
- Divorced

**7. Officer's Place of Birth\***

- Manhattan                       Pennsylvania
- Brooklyn                       Other US State
- Bronx                       Puerto Rico
- Queens                       Caribbean/West Indies
- Staten Island                       Latin America
- Nassau/Suffolk                       Europe
- Westchester, Rockland, Putnam  Asia
- Other NY County                       Africa
- NJ                       Other
- Connecticut

**6a. Resident pct. at appointment**

\*Information for starred items is available in Personnel History Printout



18551

**Criminal History**

8. Was officer ever arrested prior to appointment?  Yes  No

*If yes, answer 8a-8d; if no, please skip to item 9.*

- 8a. Number of violent crime arrests  1  2  3  4  5  6  7  8  9
- 8b. Number of property crime arrests  0  1  2  3  4  5  6  7  8  9
- 8c. Number of JD/YO findings  0  1  2  3  4  5  6  7  8  9
- 8d. Number of misdemeanor convictions  0  1  2  3  4  5  6  7  8  9

9. Number of moving violation summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

10. Number of parking violation summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

11. Number of C/Criminal/TAB summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

12. Did officer own a car at time of appointment?  
 Yes  No

13. Motor vehicle license or registration ever suspended?  
 Yes  No

**Education & Work History**

14. Number of Workman's Compensation claims prior to appointment  0  1  2  3  4  5  6  7  8  9

15. Officer's highest educational level at time of appointment

- Less than H.S. Grad
- HS equiv.
- H.S. grad.
- College study (N.D.)
- Associate degree
- Baccalaureate degree
- Work towards Master's
- Master's degree
- Work towards Doctorate degree
- Doctorate degree

16. Officer actively enrolled in school at appointment?

- Yes
- No

17. Number of jobs held prior to appointment

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

18. Number of 30 day+ periods of unemployment prior to appointment

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0





18551

28f. Nature of officer's military discharge

- Honorable    Hardship
- Medical    General

28g. Number of courts martial and company punishments

- 0 1 2 3 4 5 6 7 8 9

29. Did officer have a 4-F or other draft deferment prior to appointment?    Yes    No

30. Officer Gender    Male    Female

31. Officer Race    White    Black    Hispanic    Asian    Samoan/Pacific Island    Other

32. Does officer have prior non-military experience as a police officer?    Yes    No

*If yes, answer 32a-32c; if no, please skip to item 33*

32a. Was officer a lateral from NYCTA police?    Yes    No

32b. Was officer a lateral from NYCHA police?    Yes    No

32c. How many years of prior police experience does officer have:

33. Was officer a PAA or other NYPD civilian employee prior to appointment (excluding cadet or trainee)?

- Yes    No

34. Was officer a cadet or trainee prior to appointment?

- Yes    No



18551

**Criminal History**

8. Was officer ever arrested prior to appointment?  Yes  No

*If yes, answer 8a-8d; if no, please skip to item 9.*

- 8a. Number of violent crime arrests  1  2  3  4  5  6  7  8  9
- 8b. Number of property crime arrests  0  1  2  3  4  5  6  7  8  9
- 8c. Number of JD/YO findings  0  1  2  3  4  5  6  7  8  9
- 8d. Number of misdemeanor convictions  0  1  2  3  4  5  6  7  8  9

9. Number of moving violation summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

10. Number of parking violation summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

11. Number of C/Criminal/TAB summonses prior to appointment  0  1  2  3  4  5  6  7  8  9

12. Did officer own a car at time of appointment?  
 Yes  No

13. Motor vehicle license or registration ever suspended?  
 Yes  No

**Education & Work History**

14. Number of Workman's Compensation claims prior to appointment  0  1  2  3  4  5  6  7  8  9

15. Officer's highest educational level at time of appointment

- Less than H.S. Grad
- HS equiv.
- H.S. grad.
- College study (N.D.)
- Associate degree
- Baccalaureate degree
- Work towards Master's
- Master's degree
- Work towards Doctorate degree
- Doctorate degree

16. Officer actively enrolled in school at appointment?

- Yes
- No

17. Number of jobs held prior to appointment

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

18. Number of 30 day+ periods of unemployment prior to appointment

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0



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45. Officer's last known resident pct.\*

--	--	--

46. Officer's last known social condition\*

- Single
- Married
- Domestic partnership
- Separated
- Divorced
- Widowed

47. Number of officer marriages by time of incident that led to separation

0	1	2	3	4	5	6	7	8	9
<input type="radio"/>									

48. Number of officer kids at time of incident that led to separation

<input type="radio"/>									
-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

49. Number of post-academy performance evaluations in officer's folder

<input type="radio"/>									
<input type="radio"/>									

50. Total number of below standards ratings in *dimension* categories on post-academy officer performance evaluations

<input type="radio"/>									
<input type="radio"/>									

51. Total number of *overall* below standards ratings on post-academy officer evaluations

<input type="radio"/>									
<input type="radio"/>									

**Dismissal Information**

52. Describe the charges that led to officer's dismissal (see Appendix E)

--	--	--

53. Second charges?

--	--	--

54. Third charges?

--	--	--

55. Fourth charges?

--	--	--

56. Fifth charges?

--	--	--





59 Number of latenesses in police academy

0 1 2 3 4 5 6 7 8 9

○ ○ ○ ○ ○ ○ ○ ○ ○ ○  
○ ○ ○ ○ ○ ○ ○ ○ ○ ○

60 Recruit Training Commander's recommendation

○ Field Training ○ Special Monitoring ○ Termination

*61. Academic and Physical*

a. Officer's PA Law performance score

○ Extremely Competent ○ Highly Competent ○ Competent ○ Low ○ Very Low

b. Officer's PA Police Science performance score

○ Extremely Competent ○ Highly Competent ○ Competent ○ Low ○ Very Low

c. Officer's PA Social Science performance score

○ Extremely Competent ○ Highly Competent ○ Competent ○ Low ○ Very Low

d. Officer's PA Physical Training performance score

○ Extremely Competent ○ Highly Competent ○ Competent ○ Low ○ Very Low

*62. Behavioral Performance*

Number of Extremely Competent ratings

Number of Highly Competent ratings

Number of Competent ratings

Number of Low ratings

Number of Extremely Low ratings

63. Is there any indication that officer was held over, or did not graduate with his/her class?

○ Yes ○ No



37378

## Personnel Orders Coding Instrument

National Institute of Justice

Temple University

New York City Police Department

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

### STUDY OFFICER INSTRUMENT

Study Officer's Tax Registry Number

--	--	--	--	--	--	--	--

Matched Comparison Officer's Tax Registry Number

--	--	--	--	--	--	--	--

Coder Identity:

--	--



37378

### Data from Personnel Orders Section

1. How many *commands* after the PA did this officer hold?

0	1	2	3	4	5	6	7	8	9
0	1	2	3	4	5	6	7	8	9

2. Officer's first command after PA

--	--	--

2a. Month-Year officer began first command after PA

		/		
--	--	---	--	--

3. Officer's second command after PA

--	--	--

3a. Month-Year officer began second command after PA

		/		
--	--	---	--	--

4. Officer's third command after PA

--	--	--

4a. Month-Year officer began third command after PA

		/		
--	--	---	--	--

5. Officer's fourth command after PA

--	--	--

5a. Month-Year officer began fourth command after PA

		/		
--	--	---	--	--

6. Officer's fifth command after PA

--	--	--

6a. Month-Year officer began fifth command after PA

		/		
--	--	---	--	--

7. Officer's sixth command after PA

--	--	--

7a. Month-Year officer began sixth command after PA

		/		
--	--	---	--	--



37376

8. How did officer leave the department?

- Terminated/unsatisfactory probationer
- Resigned with permission
- Resigned without permission
- Vested
- Voluntarily retired
- Forced to retire
- Dismissed

9. Date officer left department

		/			/		
--	--	---	--	--	---	--	--



17093

# CPI Coding Instrument

National Institute of Justice

Temple University

New York City Police Department

Dismissal Study

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Study Officer's Tax Registry Number

--	--	--	--	--	--

Matched Comparison Officer

--	--	--	--	--	--

Coder Identity:

1
---



17093

### Data from CPI

1. Does officer have any complaints?  Yes  No

*If yes, please answer the following; if no, this form is finished*

In marking the *Nature of the Complaint*, please refer to the following scale:

- 1 Abuse, force, discourtesy
- 2 Job related theft, corruption
- 3 Failure to perform
- 4 PG, admin. violations
- 5 Profit motivated off-duty misconduct
- 6 Violent off-duty misconduct
- 7 Other off-duty misconduct
- 8 Nature of complaint not noted

Month/Year of Complaint 1   /   Nature of complaint 1  
 1  2  3  4  5  6  7  8

Disposition of complaint 1:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 2   /   Nature of complaint 2  
 1  2  3  4  5  6  7  8

Disposition of complaint 2:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 3   /   Nature of complaint 3  
 1  2  3  4  5  6  7  8

Disposition of complaint 3:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 4   /   Nature of complaint 4  
 1  2  3  4  5  6  7  8

Disposition of complaint 4:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted



17093

Month/Year of Complaint 5   /

Nature of complaint 5

1  2  3  4  5  6  7  8

Disposition of complaint 5:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 6   /

Nature of complaint 6

1  2  3  4  5  6  7  8

Disposition of complaint 6:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 7   /

Nature of complaint 7

1  2  3  4  5  6  7  8

Disposition of complaint 7:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 8   /

Nature of complaint 8

1  2  3  4  5  6  7  8

Disposition of complaint 8:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 9   /

Nature of complaint 9

1  2  3  4  5  6  7  8

Disposition of complaint 9:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 10   /

Nature of complaint 10

1  2  3  4  5  6  7  8

Disposition of complaint 10:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 11   /

Nature of complaint 11

1  2  3  4  5  6  7  8

Disposition of complaint 11:

Sustained  Not sustained  Unfounded  Exonerated  No disposition noted



17083

Month/Year of Complaint 12   /

Nature of complaint 12

1  2  3  4  5  6  7  8

Disposition of complaint 12:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 13   /

Nature of complaint 13

1  2  3  4  5  6  7  8

Disposition of complaint 13:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 14   /

Nature of complaint 14

1  2  3  4  5  6  7  8

Disposition of complaint 14:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 15   /

Nature of complaint 15

1  2  3  4  5  6  7  8

Disposition of complaint 15:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 16   /

Nature of complaint 16

1  2  3  4  5  6  7  8

Disposition of complaint 16:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 17   /

Nature of complaint 17

1  2  3  4  5  6  7  8

Disposition of complaint 17:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted



17093

Month/Year of Complaint 18   /

Nature of complaint 18

1  2  3  4  5  6  7  8

Disposition of complaint 18:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 19   /

Nature of complaint 19

1  2  3  4  5  6  7  8

Disposition of complaint 19:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

Month/Year of Complaint 20   /

Nature of complaint 20

1  2  3  4  5  6  7  8

Disposition of complaint 20:

Sustained  Notsustained  Unfounded  Exonerated  No disposition noted

*If there are more than 20 complaints, please indicate the Month/Year of last one:*

/



11438

# CPI Coding Instrument

## *Addendum*

National Institute of Justice

Temple University

New York City Police Department

Dismissal Study

## STUDY OFFICER

Study Officer's Tax Registry Number

--	--	--	--	--	--

Matched Comparison Officer

--	--	--	--	--	--

Coder Identity:

--	--

1. Number of chronic sick designations

0 1 2 3 4 5 6 7 8 9  
○○○○○○○○○○  
○○○○○○○○○○

3. Number of departmental recognitions

0 1 2 3 4 5 6 7 8 9  
○○○○○○○○○○  
○○○○○○○○○○

2. Number of unfit for duty designations

0 1 2 3 4 5 6 7 8 9  
○○○○○○○○○○  
○○○○○○○○○○

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APPENDIX B  
COMPARISON OFFICERS' INSTRUMENT



18395

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

# Coding Instrument for PA15

National Institute of Justice

Temple University

New York City Police Department

Dismissal Study

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## COMPARISON OFFICERS

Officer's Tax Registry Number

Coder Identity:

Matched Study Officer

Reference Date



**Preliminary Background**

1. Officer's command at reference date

- 1 ○○○
- 2 ○○○
- 3 ○○○
- 4 ○○○
- 5 ○○○
- 6 ○○○
- 7 ○○○
- 8 ○○○
- 9 ○○○
- 0 ○○○

2. Officer's rank at reference date

- PPO    Sgt.
- PO    Lt.
- D3    Capt.
- D2    Above Capt.
- D1

3. Officer's number on PO eligible list

- 1 ○○○○○
- 2 ○○○○○
- 3 ○○○○○
- 4 ○○○○○
- 5 ○○○○○
- 6 ○○○○○
- 7 ○○○○○
- 8 ○○○○○
- 9 ○○○○○
- 0 ○○○○○

4. Entrance exam number

- 1 ○○○○
- 2 ○○○○
- 3 ○○○○
- 4 ○○○○
- 5 ○○○○
- 6 ○○○○
- 7 ○○○○
- 8 ○○○○
- 9 ○○○○
- 0 ○○○○

5. Officer's date of birth

□□ / □□ / □□

6. Officer's marital status at time of appointment

- Single    Separated
- Married    Widowed
- Divorced    Living with Partner

7. Officer's Place of Birth\*

- Manhattan    Pennsylvania
- Brooklyn    Other US State
- Bronx    Puerto Rico
- Queens    Caribbean/West Indies
- Staten Island    Latin America
- Nassau/Suffolk    Europe
- Westchester, Rockland, Putnam    Asia
- Other NY County    Africa
- NJ    Other
- Connecticut

6a. Resident pct. at appointment

□□□

\*Information for starred items is available in Personnel History Printout

**Criminal History**

8. Was officer ever arrested prior to appointment?  Yes  No

*If yes, answer 8a-8e; if no, please skip to item 9.*

- 8a. Number of violent crime arrests 1 2 3 4 5 6 7 8 9
- 8b. Number of property crime arrests 0 1 2 3 4 5 6 7 8 9
- 8c. Number of public order offense arrests 0 1 2 3 4 5 6 7 8 9
- 8d. Number of JD/YO findings 0 1 2 3 4 5 6 7 8 9
- 8e. Number of misdemeanor convictions 0 1 2 3 4 5 6 7 8 9

9. Number of moving violation summonses prior to appointment 0 1 2 3 4 5 6 7 8 9

10. Number of parking violation summonses prior to appointment 0 1 2 3 4 5 6 7 8 9

11. Number of C/Criminal/TAB summonses prior to appointment 0 1 2 3 4 5 6 7 8 9

12. Did officer own a car at time of appointment?  
 Yes  No

13. Motor vehicle license or registration ever suspended?  
 Yes  No

**Education & Work History**

14. Number of Workman's Compensation claims prior to appointment 0 1 2 3 4 5 6 7 8 9

15. Officer's highest educational level at time of appointment

- Less than H.S. grad  Baccalaureate degree
- HS equiv.  Work towards Master's
- H.S. grad.  Master's degree
- College study (N.D.)  Work towards Doctorate degree
- Associate degree  Doctorate degree

16. Officer actively enrolled in school at appointment?  
 Yes  No

17. Number of jobs held prior to appointment

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

18. Number of 30 day+ periods of unemployment prior to appointment

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

19 Last occupation prior to appointment (excluding other public police work)

- Professional/technical/manager
- Official/owner/sales
- Clerical
- Craftsman
- Operative
- Service household
- Laborer
- Student
- Military
- Private Security or Special Police
- Unknown

20. Number of jobs from which officer was fired or forced to resign prior to appointment 0 1 2 3 4 5 6 7 8 9
21. Number of times officer was disciplined by employer prior to appointment 0 1 2 3 4 5 6 7 8 9
22. Number of civil service rejections 0 1 2 3 4 5 6 7 8 9
23. Number of other civil service applications 0 1 2 3 4 5 6 7 8 9

24. Officer appointed first time he/she test for NYPD?  
 Yes  No

25. Derogatory comments by prior employer?  
 Yes  No

26. Number of times officer married when appointed

0 1 2 3 4 5 6 7 8 9

27. Number of officer kids when appointed

0 1 2 3 4 5 6 7 8 9

**Military & Police Service History**

28. Did officer serve in the military?  Yes  No

*If yes, answer 28a-28g; if no, please skip to item 29*

28a. Branch of military service

- Army  Air Force
- Navy  Coast Guard
- Marines  Other

28b. Number of months of active service

- 1 - 6  25 - 36
- 7 - 12  37 - 48
- 13 - 24  49 +

28c. Year started military service

28d. Year ended military service

28e. Rank at discharge from military

- Private/pfc/corporal or seaman
- Sgt/petty officer
- Warrant officer
- Officer

28f. Nature of officer's military discharge

- Honorable  Hardship
- Medical  General

28g. Number of courts martial and company punishments

- 0 1 2 3 4 5 6 7 8 9

29. Did officer have a 4-F or other draft deferment prior to appointment?  Yes  No

30. Officer Gender  Male  Female

31. Officer Race  White  Black  Hispanic  Asian  Samoan/Pacific Island  Other

32. Does officer have prior non-military experience as a police officer?  Yes  No

*If yes, answer 32a-32c; if no, please skip to item 33*

32a. Was officer formerly a NYCTA police officer?  Yes  No

32b. Was officer formerly a NYCHA police officer?  Yes  No

32c. How many years of prior police experience does officer have?

33. Was officer a PAA or other NYPD civilian employee prior to appointment (excluding cadet or trainee)?

- Yes  No

34. Was officer a cadet or trainee prior to appointment?

- Yes  No











62. Number of latenesses in police academy:

0 1 2 3 4 5 6 7 8 9

63. Recruit Training Commander's recommendation

Field Training  Special Monitoring  Termination

**64. Academic and Physical**

a. Officer's PA Law performance score

Extremely Competent  Highly Competent  Competent  Low  Very Low

b. Officer's PA Police Science performance score

Extremely Competent  Highly Competent  Competent  Low  Very Low

c. Officer's PA Social Science performance score

Extremely Competent  Highly Competent  Competent  Low  Very Low

d. Officer's PA Physical Training performance score

Extremely Competent  Highly Competent  Competent  Low  Very Low

**65. Behavioral Performance**

Number of Extremely Competent ratings

Number of Highly Competent ratings

Number of Competent ratings

Number of Low ratings

Number of Extremely Low ratings

66. Is there any indication that officer was held over, or did not graduate with his/her class?

Yes  No



37923

## Personnel Orders Coding Instrument

National Institute of Justice

Temple University

New York City Police Department

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## COMPARISON OFFICER INSTRUMENT

Comparison Officer's Tax Registry Number

--	--	--	--	--	--

Matched Study Officer's Tax Registry Number

--	--	--	--	--	--

Coder Identity:

--	--



37923

### Data from Personnel Orders Section

1. How many *commands* after the PA did this officer hold?
  
2. Officer's first command after PA

  - 2a. Month/Year officer began first command after PA   /

3. Officer's second command after PA

  - 3a. Month/Year officer began second command after PA   /

4. Officer's third command after PA

  - 4a. Month/Year officer began third command after PA   /

5. Officer's fourth command after PA

  - 5a. Month/Year officer began fourth command after PA   /

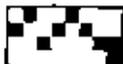
6. Officer's fifth command after PA

  - 6a. Month/Year officer began fifth command after PA   /

7. Officer's sixth command after PA

  - 7a. Month/Year officer began sixth command after PA   /





37923

## Personnel Orders Coding Instrument

National Institute of Justice

Temple University

New York City Police Department

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box. The following will serve as an example:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## COMPARISON OFFICER INSTRUMENT

Comparison Officer's Tax Registry Number

--	--	--	--	--	--

Matched Study Officer's Tax Registry Number

--	--	--	--	--	--

Coder Identity:

--	--



37923

### Data from Personnel Orders Section

1. How many *commands* after the PA did this officer hold?  1  2  3  4  5  6  7  8  9  10
2. Officer's first command after PA
- 2a. Month/Year officer began first command after PA   /
3. Officer's second command after PA
- 3a. Month/Year officer began second command after PA   /
4. Officer's third command after PA
- 4a. Month/Year officer began third command after PA   /
5. Officer's fourth command after PA
- 5a. Month/Year officer began fourth command after PA   /
6. Officer's fifth command after PA
- 6a. Month/Year officer began fifth command after PA   /
7. Officer's sixth command after PA
- 7a. Month/Year officer began sixth command after PA   /

37923

8. Is officer still an active MOS with the NYPD?     Yes     No

*If no, please answer items 9 and 10; if yes, this instrument is complete.*

9. How did officer leave the department?

- Terminated/unsatisfactory probationer
- Resigned with permission
- Resigned without permission
- Vested
- Retired: Ordinary
- Retired: Line of Duty (i.e., 3-4)
- Forced to retire (Not due to disability)
- Dismissed
- Died - line of duty
- Died - not job related

10. Date officer left department

		/			/		
--	--	---	--	--	---	--	--



12011

# CPI Coding Instrument

## *Addendum*

National Institute of Justice

Temple University

New York City Police Department

Dismissal Study

### COMPARISON OFFICER

Comparison Officer's Tax Registry Number

--	--	--	--	--	--	--	--	--	--

Matched Study Officer's Tax Number

--	--	--	--	--	--	--	--	--	--

Coder Identity:

--	--

1. Number of chronic sick designations

0 1 2 3 4 5 6 7 8 9

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

3. Number of departmental recognitions

0 1 2 3 4 5 6 7 8 9

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

2. Number of unfit for duty designations

0 1 2 3 4 5 6 7 8 9

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

8/1/98 Edition

APPENDIX C  
STAFF CODER IDENTITY NUMBERS



37923

### Data from Personnel Orders Section

1. How many *commands* after the PA did this officer hold?  1  2  3  4  5  6  7  8  9  10
2. Officer's first command after PA
- 2a. Month/Year officer began first command after PA  /
3. Officer's second command after PA
- 3a. Month/Year officer began second command after PA  /
4. Officer's third command after PA
- 4a. Month/Year officer began third command after PA  /
5. Officer's fourth command after PA
- 5a. Month/Year officer began fourth command after PA  /
6. Officer's fifth command after PA
- 6a. Month/Year officer began fifth command after PA  /
7. Officer's sixth command after PA
- 7a. Month/Year officer began sixth command after PA  /

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Temple staff

James Fyfe	90
Peter Jones	91
Robert Kane	92
Patrick McGrain	93
Robert Tillman	95

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APPENDIX D  
COMMAND CODES

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## NOTES ON COMMAND CODES

The following is an alphabetical listing of the Department's command codes, complete with addresses and phone numbers. The code we are looking for is the three digit code in the "CMD" column. On the first page, for example, the code for the Administrative Services Division is the "363" that appears under "CMD".

Before you begin coding, please review these codes so that you can see the logic to them: it will save a lot of time as you are actually coding. You will see, for example, that Narcotics commands appear in several different places (e.g., Narcotics Division - OCCB; Brooklyn North Narcotics District). Please be as accurate and specific as possible when you code them.

The codes for the Department's precincts start at p. 21. These codes generally are the same as the precinct designations (e.g., First Precinct = 001, etc.) But there are special codes for the Precinct Detective Squads. Please use these wherever appropriate. The following codes

In your work, you may also encounter codes for commands that no longer exist. Where these are for old precincts (e.g., 3rd Precinct; 64 Precinct; 92 Precinct) that have since been merged into others, just fill in the numbers for the old precincts (003; 064; 092, etc.). Where these are for other units that have been reorganized (e.g., Patrol Borough Manhattan West; Manhattan East) just indicate in writing the name involved and flag the page with a yellow sticker so that Temple staff can handle it.

The following are codes for precincts that have names rather than numerical designations:

Midtown South	014
Midtown North	018
Central Park	022

In this codebook, the former "Neighborhood Stabilization Units" are classified as "Field Training Units."

C O M M A N D D I R E C T O R Y

1. NAME

2. GRADE

3. POSITION

4. OFFICE

5. TELEPHONE

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP

C O M M A N D D I R E C T O R Y

1. NAME

2. GRADE

3. POSITION

4. OFFICE

5. TELEPHONE

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP

1. NAME  
2. GRADE  
3. POSITION  
4. OFFICE  
5. TELEPHONE  
6. ADDRESS  
7. CITY  
8. STATE  
9. ZIP



### COMBENT DIRECTORY

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3. Methodology	3	3.1. Research Design	3	3.2. Data Collection	3
4. Results	4	4.1. Descriptive Statistics	4	4.2. Inferential Statistics	4
5. Discussion	5	5.1. Interpretation of Results	5	5.2. Implications for Practice	5
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### COMBENT DIRECTORY

CONTENTS

Table of contents listing various sections and their corresponding page numbers, including sections like 'Introduction', 'Methodology', 'Results', and 'Conclusions'.

APPENDICES

Table of contents for the appendices, listing supplementary materials and their page numbers.

Figure IV

# NEW YORK CITY POLICE DEPARTMENT

